

BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

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In the Matter of: :  
 : Case No: 29-RC-12021  
IRIDIUM SERVICES CORP., I&Y TRANSIT :  
CORP., ALINA SERVICES CORP., A SINGLE :  
EMPLOYER, :  
 :  
Employer, :  
 :  
And :  
 :  
LOCAL 1181-1061, AMALGAMATED :  
TRANSIT UNION, AFL-CIO, :  
 :  
Petitioner, :  
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**EMPLOYER'S REQUEST FOR REVIEW  
OF THE DECISION AND DIRECTION OF ELECTION**

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## **PRELIMINARY STATEMENT**

On June 3, 2011, the Regional Director issued a Decision and Direction of Election (the “Decision”) directing an election based upon a petition filed by Petitioner Local 1181-1061, Amalgamated Transit Union, AFL-CIO (the “Union”), seeking to represent only the drivers and matrons/escorts employed by Iridium Services Corp., I&Y Transit Corp., and Alina Services Corp. (collectively, “Iridium”). However, limiting the bargaining unit to just drivers and matrons/escorts makes no sense and disregards the plain evidence that all of Iridium’s non-clerical and non-managerial employees work closely together to ensure the safety and timeliness of the transportation services Iridium provides. A copy of the Decision is attached hereto as Exhibit A.

These other employees include mechanics, yardmen, cleaners, washers, and shop assistants who all share a significant community of interest with the drivers and the matrons/escorts. For example:

- All hiring and firing decisions are made by Iridium’s individual owner Igor Komsky;
- All disciplinary decisions are made by Mr. Komsky and a single manager Yuri Alishaue;
- All Iridium employees enjoy the same fringe benefits and have the same paid holidays;
- All Iridium employees are paid on an hourly basis and earn similar hourly rates;
- The drivers consistently and constantly interact with the yardmen and with the mechanics;
- Many employees switch positions, and many job classifications have employees that are qualified to and actually drive the buses;



- Many workers come to work together on shuttles provided by the employer, and complete their work day at similar times;
- All employees at the main location share the same break and restroom facilities; and
- The employer's operations offices are in a single location;

Therefore, the bargaining unit petitioned for by the Union and approved by the Regional Director consisting only of drivers and matrons/escorts is inappropriate, because all of the non-clerical and non-managerial employees share a substantial community of interest.

The Union's proposed unit is also inappropriate because unless all of Iridium's non-clerical and non-managerial employees are included in the bargaining unit, there is no logical reason to group together only the drivers and the matrons/escorts. In fact, the drivers share a much greater community of interest with other Iridium employees, such as the yardmen and mechanics, than with the matrons/escorts.

## **STATEMENT OF FACTS**

### **A. Background**

On March 17, 2011, the Union filed a Petition with the NLRB for certification of representation of "all drivers and matron [sic] (escorts)" to the exclusion of all other employees of Iridium Services Corp. The parties subsequently entered into a stipulation naming the Employer as Iridium Services Corp., I&Y Transit Corp., and Alina Services Corp. (collectively, "Iridium" or the "Employer").



The Employer, or one of its entities, began providing transportation services in 1999, and is wholly owned by Igor Komsky. Tr. 18.<sup>1</sup> Iridium transports pre-kindergarten and early intervention students between their homes and schools pursuant to contracts with the New York City Board of Education. Tr. 17; 542. They also provide some transportation services to private clients (charters). Tr. 17-18.

Iridium has a number of non-clerical/non-managerial employees including drivers, matrons/escorts, yardmen, mechanics, shop assistants, cleaners and washers. Tr. 19. There are only two managers, Igor Komsky and Yuri Alishaue. Tr. 19. Some of the drivers and matrons/escorts are employed on a part-time basis. Tr. 20.

The Employer essentially has three locations.<sup>2</sup> The main location is in Douglaston, New York, where most of the buses are parked and where the offices are located. Tr. 39-41. A second location is a repair center in Great Neck, New York. Tr. 64. The Great Neck facility is only a few minutes away from the main location in Douglaston. Tr. 139; 298. A third location is another repair facility located on Van Dam Street in Long Island City, New York. Tr. 55.

## **B. Job Descriptions**

### **1. Drivers**

There are approximately 78 full-time school bus drivers employed by Iridium. Tr. 462. Drivers must have a commercial driver's license, with a special certification. Tr. 433; 435.

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<sup>1</sup> References to "Ex. \_\_," are to the exhibits annexed to this Post-Hearing Memorandum. References to "Tr. \_\_," are to the transcript of the hearings held in this matter on April 1 and April 6, 2011. Copies of the cited transcript pages are attached hereto as Exhibit B.

<sup>2</sup> A fourth location, located on West 15<sup>th</sup> Street in Coney Island, is only a parking lot. Tr. 139.



All but approximately 10% of the drivers report to the Douglaston facility to pick up and later drop off their buses.<sup>3</sup> Tr. 45. A small number of drivers do not report to Douglaston each morning, because they either take their buses home or park their buses at the Van Dam facility or the 15<sup>th</sup> Street lot. When they report to work at the Douglaston facility, the drivers all go into the office to get their keys (unless their bus has been started by another employee), their Nextel two-way phones, and route information. Tr. 87; 357-358.

The drivers are also responsible for inspecting their buses every morning before starting their trips. Tr. 347-348; 378. When a problem arises during the morning inspection, the driver would inform the yardmen. Tr. 378. Finally, the drivers also clean the inside of their buses. Tr. 360. *See also* Decision at 7. At the end of the day, the drivers that report to Douglaston, return their buses to Douglaston, and hand in their keys and two-way phones. Tr. 87.

Some drivers start their own buses, while the yardmen start other buses. Tr. 28-29, 280, 341. *See also* Decision at 7. Similarly, some drivers park their own buses, while the yardmen park others. *Id.*

As discussed below, the drivers have substantial, consistent, and daily interactions with other Iridium employees, especially mechanics and yardmen.

## 2. Matrons/Escorts

There are approximately the same number of matrons/escorts as there are drivers, although a few buses will have more than one matron/escort. Tr. 35-36. Escorts generally do not have a commercial drivers license. Tr. 412. In fact, they do not even have to have any

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<sup>3</sup> The buses are mini-buses. Tr. 305.



driver's license. Tr. 407; 435; 516. Matrons/escorts basically help the children get on and off the bus, and monitor the children while the on the bus. Tr. 27; 420.

Escorts are the only employees that handle the students. Decision at 9. The Decision, in approving a unit of drivers and escorts, ignores this very salient point.

After accepting the children from the parent, the matron/escort takes the child to their seat, and then places and straps the child in a car seat. Tr. 27; 404; 417. When the bus arrives at the school the escort takes the children off the bus and gives them over to school personnel. *See* Tr. 418. They then repeat the procedure in the afternoon, only in reverse. They take the children from the school, strap them into the seats, and drop them off to the waiting parents. Tr. 28; 425.

Approximately one-half of the escorts do not report to Douglaston in the morning, but are picked up by the driver of their bus en route to the first child pick-up. Tr. 46. After the matrons/escorts drop off the last children at school in the morning, they have a break until the afternoon. Tr. 421-422. Many matrons/escorts go home or shop or go to church during their respective breaks. Tr. 422. They then get picked up again by their driver (or meet the driver at the school), perform their afternoon duties, and then either get dropped off somewhere or are taken to the Douglaston facility. Tr. 425.

Like the bus washer and cleaners, some matrons also clean their own bus. Tr. 359. *See also* Decision at 7, 9.

There are no escorts on the bus with the driver for any mid-day field trips. Tr. 542.

### 3. Yardmen

There are two yardmen employed by Iridium. Tr. 38; 288. The yardmen are located principally at the Douglaston facility and perform many functions. Tr. 31. In the morning, the



yardmen will pull the buses out of the yard for some of the drivers. Tr. 28-29, 280, 341. They also interact daily with the drivers, who hand their pre-inspection reports to the yardmen. Tr. 281. The yardmen then tell the drivers each morning when their respective buses are ready. Tr. 280. The yardmen also will do minor repairs and maintenance on the buses before the drivers begin their routes if requested by the driver. The yardmen also place the car seats for the children in the buses. Tr. 289.

During the day the yardmen drive the buses to the Van Dam facility if they need repair or are due for inspection. Tr. 282. They also often take buses to the Great Neck facility for more minor repairs. Tr. 284. Yardmen also drive other employees, including drivers, washers and cleaners to the repair facilities. Tr. 292-293; 300.

At the end of the day the yardmen either physically park the buses or direct the drivers where precisely to park. Tr. 278. Further, the yardmen inspect the buses when they return to determine if they are need of maintenance or repair, and again interact with the drivers at that time. Tr. 276; 285. Piuter Davidov, a yardman, testified as follows:

Q: So starting around 3:30, or whenever the drivers start coming back to the bus, what's your job then once the drivers start coming back to the yard?

A: I make inspection, check buses. Cleaning. Washing. And then we put it back in the yard.

Q: Do you talk to the drivers at all when they come back in the afternoon?

A: Every day.

Q: What do you talk to the drivers about?

A: They are telling me what is not good, the bus has to be cleaned or washed, something must be replaced, changed. (Tr. 285).



Yardmen also fill in for drivers on occasion if there is a shortage of drivers. Tr. 294.

Yardmen also drive charter or private buses on occasion. Tr. 106.

#### 4. Mechanics/Shop Employees

There are three mechanics that work at the Van Dam facility, (Tr. 55; 316) and two mechanics working at the Great Neck location. Tr. 121. Iridium also employs two shop workers, one at each shop location, who basically assist the mechanics with administrative functions relating to the repair work. Tr. 23; 121; 316-317.

The mechanics at the Van Dam facility perform major repair work and also prepare buses for N.Y. Department of Transportation inspections. Tr. 140; 316. These mechanics interact with bus drivers in person to discuss repair issues on a daily basis. Tr. 60-61; 319. They also contact drivers via the two-way phone if more information as to the problem is needed. *Id.*; Tr. 85-86. Often, after a major repair, the mechanic and the driver will go together to perform a road test. Tr. 320. The Van Dam mechanics also have frequent interaction with the mechanics at the other facilities. Tr. 140. In fact, mechanics between the two facilities talk almost every single work day. Tr. 141.

The mechanics at Great Neck facility perform more routine repairs. Tr. 79; 140; 284. In addition, the Great Neck mechanics go to the nearby Douglaston facility every morning in the winter to start buses and to perform routine repairs, such as flat tires and light bulbs every day. Tr. 43; 122-23. The mechanics interact with bus drivers every single day. Tr. 43; 80; 123-126. Drivers communicate with the mechanics either verbally or through pre-inspection reports. Tr. 125-126. The mechanics then ask the drivers questions about the problem. *Id.* Sometimes, when



the drivers have an issue with a bus, the mechanics will join the driver and perform a road test together. Tr. 127. This happens at least every other day. *Id.*

Drivers are always interacting with the Great Neck mechanics both at the facility and on the phone. Tr. 66; 84; 130-133; 161. Drivers go to the Great Neck facility daily. Tr. 130. The mechanics and drivers interact regarding any issues with the buses. Tr. 131. The mechanic will call the driver (who would be driving a replacement bus) by two-way phone to discuss bus problems. Tr. 132. Mechanics from Great Neck, like those from the Van Dam facility, go on joint road tests with drivers. Tr. 127.

Very often, drivers will call the mechanic if a problem arises while on the road. Tr. 132-33. For example, when a check engine light appears, which happens often with the new model of bus purchased by Iridium. Tr. 133. Further, there are times when the mechanics go on the road to check out a malfunctioning bus, and will interact with the driver to discover the relevant issue with the bus. Tr. 138. If the driver has already been given a replacement vehicle and is not present when the mechanic arrives, they will communicate via two-way telephone. Tr. 139.

The mechanics also interact with the yardmen to discuss issues regarding the status of buses. Tr. 126; 134. These interactions occur both at the Douglaston facility where the mechanic will occasionally park a bus or help inspect the bus, and in Great Neck when a yardman drops off a bus at the facility for repair or maintenance. Tr. 134.

The Decision notes that only mechanics wear uniforms (Decision at 14), but that is an inaccurate summary of the records. The testimony actually shows that the mechanics do not wear a “uniform in the traditional sense of the word; they wear as “regular mechanics uniform” that does not say its company name. Tr. 57.



## 5. Cleaners and Washers

There are four washers and two cleaners employed by Iridium. Tr. 35-38. Besides cleaning the buses at the Douglaston facility, the cleaners will occasionally repair bus seats. Tr. 288-89. They are charged with cleaning and preparing buses for DOT inspections. Tr. 33. They do so at the Van Dam facility, where they are transported to by a yardman. Tr. 292-293. The cleaners are responsible for the inside of the bus, while the washers are responsible for the outside. Tr. 290. After buses come into the Douglaston facility, the cleaners and washers are instructed which buses are scheduled for cleaning and washing. Tr. 290-291. These employees also help park buses. Tr. 279.

The cleaners have substantial contact with the yardmen. Tr. 279. The cleaners and washers also interact often with the mechanics, especially regarding getting the buses ready in the morning. Tr. 135-136. Finally, the cleaners also occasionally drive buses to and from the repair facilities. Tr. 282.

### C. Employees' Unity of Interests

1. Significant Interactions. As noted above and detailed in the various descriptions of each of the employees, *all of Iridium's employees have regular and substantial interactions with each other.* Significantly, the drivers have daily and consistent contact with the mechanics and the yardmen. Indeed, any time there is an issue with a bus, whether at the time of morning inspection, on the road via phone, or even after returning, the drivers consistently interact with both the yardmen and the mechanics. *See* Tr. 60-61; 66; 72; 84; 123; 126; 127; 131-33; 137; 285; 319; 347-48; 378. The yardmen and the mechanics also have significant contact. Tr. 126; 284.



Many employees arrive at the Douglaston facility in the morning and interact. Tr. 87; 122. Many arrive together on company-supported shuttles. Tr. 97. Most employees pick up their checks at Douglaston. Tr. 44; 47. The company's offices are located in Douglaston. Tr. 39-41. All drivers reporting to Douglaston pick up their keys (in the event that the mechanics have not already started their bus), routes and two-way phones each morning in Douglaston. Tr. 280-281. The drivers also return their keys to the offices in Douglaston at the end of the day. Tr. 286. Disciplinary matters are all handled at Douglaston. There is a single men's bathroom and a single ladies' bathroom at the Douglaston facility. Tr. 53-54. There is a single common break room. Tr. 54.

Finally, all of the employees -- other than matrons/escorts-- are provided with Nextel phones along with lists of the various numbers assigned to all other employees. Tr. 61-63.

Moreover, many of the employees, drivers, escorts, mechanics, shop employees and yardmen, travel to work together on shuttle buses provided by the employer. Tr. 404, 458-59. *See* Decision at 4.

In sum, the employees all work together as a team to insure the safety, cleanliness and timeliness of the buses. Without this constant interaction, Iridium simply would not be able to function in the manner required by the New York City Board of Education.

2. Interchangeability of Jobs. Many employees do tasks of other employees. For example, the yardmen drive and park buses constantly, and even drive children when there are not enough drivers available. Tr. 278, 280, 282. Mechanics start the buses for the drivers in winter and also drive buses (when there are no children on board). Tr. 57; 122; 127. Just about everybody in Iridium other than matrons/escorts drives buses to the repair facilities. Tr. 57.

When a bus breaks down, job classifications become irrelevant, as Igor Komsky testified:



Bus break down. We send the bus. And to help them, you know, I have buses with 20, 25 kids sometimes. I need help. I need two, three people send. I would send a spare driver. I would send a yardman. I would send a washer . . .

Tr. 448.

There have been numerous instances where people change jobs permanently or switch positions on a fill-in basis. Tr. 74; 76; 77; 106; 294; 437; 450; 452. Indeed, interchangeability of jobs is a goal of Iridium. Tr. 453. Igor Komsky testified:

When I hire a yard man like I have my people, I'd like to have more. I want them to be yard man but in case, because, you know, that's how I run my company. Some people run companies different ways. I'd like my driver have the matron certification and the driver if it's possible. So my drivers, a few of them, they have a matron certification and a driver. I have a yard man certification for the matron and the driver. So he can take different positions in the company because for needs, you know. Because at 5:00 in the morning, when I have eight spare matrons and maybe eight spare drivers, but sometimes I have not enough. So my yard people and my people who washes and people who are cleaners, they can go on the bus and become, you know, wherever there is position. (Tr. 453).

For example, Nadar Kariulli was a matron who became a washer for a few years and now is a driver. Tr. 74. Arnold Shten recently became a yardman after being a matron. Tr. 76-77. He still fills in as a matron, if needed. Tr. 452. Drivers fill in for matrons/escorts when there are insufficient matrons/escorts available. Tr. 74. Sometimes a driver will fill in for a yardman. Tr. 75-76. Yardmen sometimes fill in for drivers if they are properly licensed. Tr. 294; 450-451. Mechanics have occasionally filled in for drivers. Tr. 450. Some of the cleaners are also certified as matrons/escorts. Tr. 457.

3. Supervision and Hiring. There are two persons with exclusive supervisory power over all employees, Igor Komsky and Yuri Alishaue. Tr. 432. Only Igor can hire and/or fire an employee. Tr. 93-94. All employees ask Yuri for permission to take time off. Tr. 94. The same



employment application is used for all employees. Tr. 95. Substantially, all employees work the same number of days which are limited by the number of open school days in a given year. Tr. 534-536.

4. Wages and Benefits. There are no differences among employees regarding fringe benefits. Tr. 100. They all receive pay for the same holidays. Tr. 487, 523. The probation period and time-off policy does not differ from position to position. Tr. 524, 527.

In regard to wages, the rate of pay does not vary significantly among the various positions. Boris Krasilovsky, a mechanic at Van Dam Street testified that he earns \$12 per hour. Tr. 323. Kenneth Gray, a mechanic at the Great Neck facility, testified that the mechanics at that facility earn \$13 per hour. Tr. 188. Piuter Davidov, a yardman, testified that he earns approximately \$600 per week, which translates to \$15 per hour for a forty-hour week. Tr. 288. Mercedes Kabral, a driver, testified that she earns \$100 per day, which translates to approximately \$12 for an eight-hour day. Finally, Liliana Galindo, a matron/escort, testified that she earned \$312 per week, which is approximately \$8 per hour for an eight-hour day (however, the matrons/escorts work less eight hours each day). Tr. 405.

Igor Komsky testified concerning approximate wage rates, and that the mechanics earned approximately \$15 per hour (Tr. 96), the yardmen \$9 or \$10 (Tr. 480), shop helper \$10 per hour (Tr. 96), cleaner and washers \$8 per hour (Tr. 96), drivers' starting rate \$12.25 per hour (Tr. 478), and matrons/escorts \$7.95 per hour to start (Tr. 474). In addition, all employees who perform satisfactorily get 5% yearly increases. Tr. 474-475; 480.

Other than an occasional weekend, all of the employees work Monday through Friday and put in approximately the same hours. Tr. 101-106.



## **ARGUMENT**

### **I. THE DECISION AND DIRECTION OF ELECTION**

On June 3, 2011, the Regional Director of Region 29 issued his decision and direction of election, ordering an election in a unit comprised of all full-time and regular part-time drivers and escorts/matrons.

The Regional Director relied on the fact that the drivers and escorts are certified by the DOE and are the only ones who work the children. Decision at 2. In doing so, however, the arbitrator failed to consider the uncontroverted evidence that all the non-administrative employees share a community of interest.

### **II. ISSUE TO BE DECIDED**

Does the decision direct an election in an inappropriate bargaining unit. We respectfully suggest that the answer is yes.

#### **A. THE UNION'S PROPOSED BARGAINING UNIT IS INAPPROPRIATE**

To determine if employees share a community of interest and therefore constitute an appropriate bargaining unit, the Board weighs various factors including:

the difference in method of wages or compensation; different hours of work; different employee benefits; separate supervision; the degree of dissimilar qualifications, training and skills; differences in job functions and amount of working time spent away from the employment or plant situs, the infrequency or lack of contact with other employees; lack of integration with the work functions of other employees or interchange with them, and the history of bargaining.

*Overnight Transportation Co.*, 322 NLRB 723, 724 (1996); *Kalamazoo Paper Box Corp.*, 134, 137 (1962); *Banknote Corp. of America v. NLRB*, 84 F.3d 637, 647-48 (2d Cir. 1996). *See also Publix Super Markets*, 343 NLRB 1023, 1024 (2004) (listing the following factors: functional



integration; frequency of contact with other employees; interchange with other employees; degree of skill and common functions; commonality of wages, hours and other working conditions, and shared supervision) (*citing Ore-Ida Foods*, 313 NLRB 1016 (1994), *aff'd*, 66 F.3d 328 (7<sup>th</sup> Cir. 1995)).

An examination of the relevant factors leads to the conclusion that separating the drivers and the matrons/escorts from the rest of the employees is simply inappropriate. Simply put, all of the activities undertaken by Iridium employees are intended to ensure the safe delivery of pre-kindergarten children to school and back home in a safe manner. The yardmen, mechanics, shop assistants, cleaners and washers, drivers and matrons/escorts work hand-in-hand to ensure the buses are operating safely, cleanly and in a timely manner. In order to do this, all employees closely interact with each other constantly.

In addition to the close interactions between many of the employees, all of the employees are supervised by the two same people. All disciplinary and hiring and firing decisions regarding all employees are made by these two same people. Benefits are uniform company-wide. Compensation is determined on an hourly basis and the pay rates do not vary substantially. Raises are essentially uniform. Jobs and positions are often interchanged, and several different job classifications all take part in driving the school buses. Most of the workers arrive at the same time, take a mid-day break, and conclude their day when the buses are returned. Almost all of the workers work only Monday through Friday. The Douglaston facility, where most of the employees report to work, contains Iridium's clerical offices, has one female and one male restroom, and a single break room.

Thus, this proceeding most closely resembles the case of *United Rentals, Inc.* 341 N.L.R.B. 540 (2004), where the Board reversed the Regional Director's Decision that found



appropriate the petitioned for unit of mechanics yard employees, and drivers, but excluded counter employees, and two other associates. The Board was impressed with the fact that notwithstanding a general division of responsibilities, the employees regularly overlap and interchange duties. Like Iridium, the employer in *United Rentals, Inc.*, relied on everybody to “pitch in” to do various jobs, despite their designated classification. Further, all employees received the same benefits, the wages variation was small, all were subject to the same time and attendance policies, and the overall terms and conditions of employment were similar enough not to warrant separate bargaining units. 341 N.L.R.B. 541-542.

Similarly in *Typecraft Press, Inc.*, 275 NLRB 553 (1985), the Board ruled in favor of the employer who contended that its drivers should be included in a bargaining unit consisting of most workers at a printing plant. The Board relied on the fact that the drivers are in contact with other employees, are paid similar wages and fringe benefits, share facilities, work similar hours, and are evaluated and supervised by the same people as are the other workers. 275 N.L.R.B. at 555.

In *Levitz Furn. Of Santa Clara*, 192 N.L.R.B. 61 (1971), the Teamsters sought to represent a unit of truck drivers and truck drivers’ helpers, excluding all other employees located at a retail furniture store and warehouses. The employer contended that a storewide unit was the only appropriate unit.

The Board noted the fact that many of the employees interchanged roles and they were under common supervision. The Board rejected the argument that because the drivers spend a majority of their time away from the plant, they must be separate. 192 N.L.R.B. at 63. The Board found that because the drivers were under the same common supervision, receive similar benefits, work similar hours, and undertake frequent interchange with other store employees,



they “did not constitute a functionally distinct group with special interests sufficient to warrant their separate representation.” *Id.*

Finally, in *Buckhorn, Inc.*, 343 NLRB 201 (2004), the Board reversed the Regional director’s finding that a separate maintenance unit apart from the production unit was an appropriate bargaining unit. Although the two groups did perform different functions, and there were some discrepancies in skill levels and pay scales, the Board found that this did not warrant separating the employees into two groups, stating:

We reach this conclusion based on the highly integrated nature of the Employer’s production process during which maintenance and production employees interact and interchange frequently; the shared supervision among employees...; and working conditions and terms and conditions of employment common to all employees.

343 NLRB at 204.

In sum, although there are some differences between the drivers and matron/escorts and the remaining non-clerical and non-managerial employees, the fact that there is constant interaction, interchangeability between jobs, same fringe benefits, similar wages, terms and conditions of employment, and are all supervised by the same two persons, makes clear that the drivers and escorts/matrons are not a distinct group with special interests warranting separate representation; therefore a unit of just drivers and escorts would be inappropriate.

**B. A UNIT COMBINING ONLY THE DRIVERS AND MATRONS/ESCORTS IS INAPPROPRIATE**

In the event the Board does not find a sufficient unity of interest among all non-clerical employees to deem a wall-to-wall bargaining appropriate, then the Board should also find an insufficient unity of interest between the drivers and the matrons/escorts.



The only unity of interest between the drivers and the matrons/escorts is that they spend time together on the buses. Their job responsibilities are completely separate. Drivers are precluded from leaving a bus in order to help the matrons/escorts. Tr. 382-83, 417. Indeed, drivers are not allowed to handle the children and the matrons/escorts are not allowed to drive. Tr. 382-383. In fact, the matrons/escorts are just about the only Iridium employees that do not drive buses, do not have Nextel two-way phones, and who have only limited contact with the Douglaston facilities, and the yardmen and mechanics. Their qualifications are disparate. Drivers need a special drivers license that escorts do not. Simply put, the only unity of interest the drivers share with the matrons/escorts, such as interacting with other employees, the terms and conditions of employment, and being subject to the same supervision, they also share with the other non-clerical non-managerial employees. Therefore, it is illogical to group the drivers solely with the matrons/escorts.

Accordingly, the Decision rests in part of the finding that drivers and escorts job functions are not interchangeable (Decision at 25). Neither, however, are the drivers and escorts job duties. For example, escorts do not have the required drivers license (*Id.* at 8-9) and escorts and drivers receive different training (*Id.*). Indeed “drivers must stay in the driver’s seat” while the escort is handling the children. Decision at 9.

Escorts, unlike drivers, receive “training in CPR and first aid, and special training on how to handle disabled children safely.” Decision at 10.

The Decision also notes that the drivers and escorts have little interaction with the other employees because they (drivers and escorts) spend little time at their Douglaston facility. (Decision at 26). By that logic, the drivers and escorts should not be in a unit because they are on their individual buses, not interacting with the drivers/escorts on other buses. Non-clerical



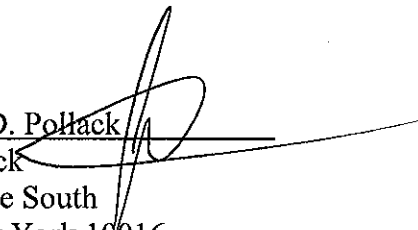
and non-managerial employees should be considered part of the bargaining unit regardless of their location.

**CONCLUSION**

For the foregoing reasons, the Employer respectfully requests that the Board grant the request for review and reverse the decision and direction of election.

Dated: June 17, 2011  
New York, New York

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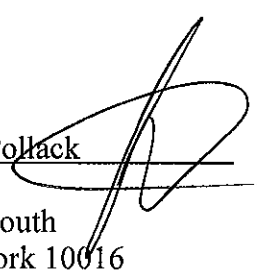
*Attorneys for Employer*



## CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2011, I electronically served counsel for petitioner with this Request for Review and attached Exhibits. I also served a copy of these documents by Federal Express upon the Regional Director of Region 29.

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# EXHIBIT A



**UNITED STATES GOVERNMENT  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

IRIDIUM SERVICES CORP.,  
ALINA SERVICE CORP. and  
I & Y TRANSIT CORP.

A Single Employer<sup>1</sup>

and

Case No. 29-RC-12021

LOCAL 1181-1061, AMALGAMATED  
TRANSIT UNION, AFL-CIO  
Petitioner

**DECISION AND DIRECTION OF ELECTION**

Iridium Services Corp., Alina Services Corp. and I & Y Transit Corp. (herein called collectively "the Employer") are engaged in providing school bus transportation services. On March 17, 2011, Local 1181-1061, Amalgamated Transit Union, AFL-CIO ("Local 1181" or "the Petitioner"), filed a petition under Section 9(c) of the National Labor Relations Act ("the Act"), seeking to represent a unit of drivers and escorts employed by the Employer out of its facility in Douglaston, Queens, New York. However, the Employer contends that the petitioned-for unit is inappropriate for collective bargaining, in two respects. First, the Employer contends that it would be inappropriate to exclude its mechanics, shop employees, washers, cleaners and yard employees because they share a strong community of interest with the drivers and escorts. Second, the Employer contends that it would be inappropriate to exclude employees who

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<sup>1</sup> The Employer's name appears as amended at the hearing. The parties stipulated that the three corporations involved herein operate as a single employer.



work out of its other sites in the New York City area, including sites in Long Island City (Queens), Great Neck (Nassau County) and Coney Island (Brooklyn). The parties also dispute whether to include "spare" drivers and escorts, as discussed in more detail below.

A hearing on these issues was held before David Stolzberg, a Hearing Officer of the National Labor Relations Board ("the Board"). In support of its position, the Employer called four witnesses to testify: Igor Komsky, who owns the three Employer companies; Kenneth Grey, a mechanic at the Great Neck facility; Piuter Davidov,<sup>2</sup> a yard employee at the Douglaston facility; and Boris Krasilovski, a mechanic at the Long Island City facility. The Petitioner called three employee-witnesses from the Douglaston facility to testify: Roberto Hernandez<sup>3</sup> (former driver), Mercedes Kabral (former driver) and Liliana Galindo (former escort).

Pursuant to Section 3(b) of the Act, the Board has delegated authority in this proceeding to the undersigned Regional Director.

Based on the record as a whole, I conclude that the petitioned-for unit of drivers and escorts working out of the Douglaston facility is appropriate for purposes of collective bargaining, and need not include the other classifications sought by the Employer. However, I also conclude that it would be inappropriate to exclude the handful of drivers who report to locations other than Douglaston. I will therefore direct an election among all of the Employer's drivers and escorts. Finally, I will also include spare drivers and escorts to the extent they work enough hours to be considered regular part-time employees.

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<sup>2</sup> Davidov spoke via a Russian-English interpreter.

<sup>3</sup> Hernandez spoke via a Spanish-English interpreter.



## **FACTS**

### **The Employer's operations in general**

The general background facts, based primarily on Igor Komsky's testimony, are undisputed.

The three corporate entities that collectively comprise the Employer herein are all owned by Igor Komsky, and provide identical services. Specifically, the Employer contracts with the New York City Department of Education ("DOE") and private charter schools to provide transportation services for young children in special "early intervention" or pre-kindergarten programs. Komsky testified that the Employer uses approximately 65 buses to perform approximately 70 runs per day. Some programs run only during the traditional school year (180 school days per year) and some also have summer school programs (for a total of 208 days per year). The Employer generally operates Mondays through Fridays, 6:00 a.m. to 7:00 or 8:00 p.m., although there are some charter field trips on weekends, and the mechanics sometimes work on the weekends as well.

Under DOE regulations, each bus must have at least one escort, to help the children get in and out of the buses safely. Buses transporting children with more serious disabilities may require two escorts. As described in more detail below, the escorts' duties include securing the children in their car seats.

There seems to be no dispute that the Employer's operations are supervised by Komsky himself and a manager named Yuriy Alishayev. Komsky stated that only he and Alishayev have authority to hire and fire employees, and that employees must ask Alishayev for time off. They also assign routes to the drivers and escorts. Driver



Mercedes Kabral stated that Alishayev was her supervisor, and escort Lilitana Galindo said that Komsky and Alishayev were her supervisors.

The Employer's office and primary place of business is located on 60<sup>th</sup> Avenue in Douglaston, Queens, New York. Komsky and Alishayev work there, as well as a clerical employee and two dispatchers.<sup>4</sup> Komsky testified that the Douglaston facility includes a 12,000 square-foot lot where the Employer parks most of its school buses (specifically about 60 of its 65 buses), office space, and a trailer with an employee break room. The Douglaston facility does not have a garage for repairs, although mechanic Kenneth Grey testified that it has a supply room containing such items as lightbulbs and motor oil for minor repairs or maintenance. The supply room also stores extra supplies for the buses, such as fire extinguishers and safety kits.

Komsky estimated that 85% to 90% of the drivers report to the Douglaston facility each work day. As described in more detail below, a handful of drivers park their buses at other facilities (Long Island City and Coney Island). Komsky also testified that some drivers are allowed to drive the bus to their homes overnight. Because the Douglaston facility is not convenient for public transportation, the Employer also employs a shuttlebus which picks up employees at various stops, to give them a ride to the Douglaston facility each morning. A smaller percentage of escorts than drivers (Komsky estimated about 50% to 60%) report to the Douglaston facility in the morning because some escorts get picked up at or near their homes by the drivers en route to their first run.

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<sup>4</sup> The parties agreed to exclude dispatchers and clerical employees from the unit.



The Employer also has a facility in Great Neck, Nassau County, New York, about one mile from the Douglaston facility. Both Komsky and Grey explained that the Employer uses this facility for relatively small, "every day" repairs and routine maintenance of its bus fleet. It includes a parking lot, a garage building with three service bays and lifts, and some gas pumps. Three mechanics and a shop employee/helper work there. Komsky initially stated that the Employer does not use the Great Neck facility for parking vehicles, and that the only buses kept there overnight are the ones being repaired. However, he later stated that the Employer uses Great Neck for parking vehicles, for example, when the snow this winter reduced the parking space available at Douglaston.

The Employer's facility on Van Dam Street in Long Island City ("LIC"), Queens, is also a repair garage, but it is used for heavier repairs (such as changing engines) and for inspections required by the Department of Transportation ("DOT"). Komsky estimated that it is a 15-minute drive from Douglaston. The facility consists of a parking lot and a 5,000 square-foot building, with an office and five service bays with lifts. One shop employee and three mechanics work there. There are also three buses that park there overnight, which three drivers pick up each morning for their routes.

Finally, the Employer has some parking space on West 15<sup>th</sup> Street in Coney Island, Brooklyn, about 45 minutes away from the Douglaston facility. Two buses park there overnight. Drivers with certain runs in Brooklyn and Staten Island pick up the buses there at 6:00 a.m. Komsky explained that the Employer uses the parking space there so that those drivers do not have to go all the way to Douglaston in the early morning.



Komsky stated there is a gas station near the Douglaston facility, where drivers who report to Douglaston can fuel their buses when necessary. Drivers who do not usually report to Douglaston (i.e., those who bring their buses home, or report to LIC or Coney Island) use Wright Express cards to get gas elsewhere.

### **Drivers**

Komsky testified that the Employer employs a total of 78 to 80 drivers, including approximately 70 full-time and 8 to 10 part-time drivers. As noted above, most of the drivers report to the Douglaston facility each morning, although some drivers are allowed to bring their buses home at night, and some other drivers retrieve their buses from the LIC or Coney Island locations.

The Employer's witnesses did not testify in much detail about the drivers per se, although their testimony about their interaction with other classifications is described below. Komsky testified that drivers arrive at various times in the morning, from 5:45 a.m. to 7:30 a.m., depending on what time their route starts. Komsky stated that drivers conduct vehicle inspections in the morning before leaving for their routes, and that they spend only five minutes per day at the Douglaston facility. He also said that drivers usually fuel their vehicles; that they sometimes have to work as escorts; and that they earn \$12.25 per hour.

Two Petitioner witnesses who were former drivers testified in more detail. Roberto Hernandez worked as a driver for three years, until September 2010. Mercedes Kabral worked for three months, until March 2011. They both testified that drivers need a commercial driver's license ("CDL"), as well as a special DOE identification card obtained after training. Kabral specified that she has "BPS" license (apparently a Class B



license for passengers on school buses), with a special endorsement for air brakes. The DOE also requires an initial physical test, drug test and background check, as well as periodic refresher trainings as a condition of continued employment. Kabral explained that two days of the DOE training involved learning how to work with the disabled children.

Kabral described her typical day as a driver. She drove a 20-passenger mini-bus, and had a regular route. She usually arrived at the Douglaston facility at 6:15 or 6:20 a.m., and met her escort (Liliana Galindo) there. She would go into the office to pick up her bus keys from a hook and her Nextel radio from a table. She would also pick up a written notification if there were any changes to her route that day. She would then go back outside and start the bus. While she waited 5 to 10 minutes for the bus to warm up, she and Galindo would clean the bus. In the winter, it was especially important to wash the windows and mirrors to maintain good visibility and avoid getting a ticket. Kabral estimated that she usually left the Douglaston facility within 10 minutes of arriving. Once the bus was ready, she would get fuel (if necessary) and start the first part of her route. Specifically, she and Galindo picked up some children at their homes by 7:00 a.m., to drive them to school by 9:00 a.m. Then they had a little break, and picked up the second group of children at their homes by 9:45, to bring them to school by 11:30 a.m. During a lunch break (11:30 a.m. to 1:00 p.m.), she sometimes dropped Galindo off at Galindo's house nearby, or sometimes they would eat lunch together at a nearby fast-food place. Then they would start picking up children at the various schools by 2:00 p.m., to bring them home.



At the end of the shift, Kabral would drop Galindo off at home, and then return to Douglaston by about 4:30 or 4:45 p.m. She parked the bus in the lot there, and conducted a final inspection. Kabral would then hang the keys back up in their place in the office, leave the Nextel radio on a table (to be recharged overnight) and go home. She estimated that she spent only five minutes at the Douglaston facility at the shift's end.

Kabral testified that she was paid a flat rate of \$100 per day, and did not punch in or out to record her specific hours.

Kabral also testified that she had to keep a written record of the children's attendance. At the end of each month, she brought the attendance sheet to a clerical employee in the office.

Hernandez testified that, because of his early arrival time (5:45 a.m.), he was allowed to keep his vehicle keys overnight, and keep his Nextel radio all week (to be returned to the office each Friday). Therefore, his typical morning routine did not involve picking up those items. Rather, when he arrived at the Douglaston yard, he signed a list of drivers in the office, checked to see if there were any changes in his route, started the bus, and inspected it. If the bus was dirty, he would sometimes ask his escort to clean it. Hernandez then got fuel if necessary and started on his route. At the end of his shift, he would park the bus back in Douglaston, and go home.

Drivers and escorts generally do not have to return to Douglaston in the middle of the day. They may spend whatever free time they have between routes at restaurants or stores, or even go home if they live nearby. Kabral testified that one time, when the movable stop sign on the bus' side suddenly swung out in the middle of a highway, she



had to return the bus to Douglaston for repair at about 9:00 a.m. She estimated that she returned to Douglaston in the middle of the day only about three times.

Drivers do not wear uniforms.

**Escorts (a.k.a. matrons)**

As noted above, each bus needs to have at least one escort while passengers are on board. Komsky estimated that the Employer employs about the same number of escorts as drivers (78-80), although he added it is "possible" that there are a few more escorts, since some buses have two escorts.<sup>5</sup> There are both full-time and part-time escorts.

The escorts' job is to help children get in and out of the vehicle safely. Specifically, when the parents bring their children to the bus in the morning, the escorts take the children, strap them into the car seats or booster seats, and put their bookbag on the floor. When they arrive at school, the escorts take the children out of the car seats, and bring them to the teachers. Escort Liliana Galindo (who was employed by the Employer for 16 months) testified that the drivers must stay in the drivers' seat during this process; only the escorts handle the children. At each stop, the driver must verify that the escort is ready to go before starting to drive again. She also stated generally that she takes care of the children while they are riding in the bus. Both Galindo and Kabral testified that the escorts also help clean the vehicles. They do not drive the buses.

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<sup>5</sup> The Petitioner subpoenaed payroll records from the Employer, but the Employer refused to comply with the subpoena. Komsky also claimed that the Employer does not maintain any kind of list of its drivers or escorts (Tr. 440-1), and that he has not actually counted the number of employees since "some time ago." Thus, Komsky's statements regarding the number of employees are uncorroborated estimates.



Under DOE regulations, escorts must undergo a medical exam and drug testing. They initially receive training in CPR and first aid, and special training on how to handle disabled children safely. There are also "refresher" trainings thereafter.

Galindo testified that she took the Employer's shuttle to and from the Douglaston facility each day. She arrived at 6:00 a.m., before her driver. She did not punch in or out. Once the driver arrived, they went to the bus. After the driver started the bus, she would help with the inspection, such as checking if lights went on and off properly. She also cleaned the vehicle, and checked for emergency supplies (e.g., first aid kit) on the bus. About 5 to 10 minutes after the driver arrived, they would be ready to leave for their first pickup. There were morning runs, mid-day runs and afternoon runs. Any free time that she and the driver had between runs they would usually spend together, such as filling the gas tank and eating lunch, although sometimes the driver drove her home for the lunch break. Galindo said she did not return to the Douglaston facility during the day. After the last child was dropped off at 4:00p.m., the driver dropped Galindo off at her home before driving back to Douglaston. The only time Galindo recalled returning to Douglaston was when she and Kabral had to get the stop sign fixed. She saw Kabral talking to yard employee Piuter Davidov about the problem, which he fixed within five minutes, and then they left again in the same bus.

Komsky testified that escorts earn \$7.95 per hour. Galindo testified that she was paid \$312 per week. They do not wear uniforms.

#### Spare drivers and escorts

Komsky testified that the DOE requires school bus companies to employ extra drivers and escorts to substitute for absent drivers and escorts. Komsky stated that DOE



specifically requires 10% of their complement (which would be 7 or 8 of each), although Davidov estimated that the Employer has only about 4 or 5 spare drivers and 3 or 4 spare escorts. Spares are subject to the same DOE requirements and training as regular drivers and escorts.

Both Komsky and Davidov testified that spare drivers and escorts do not have regular, assigned routes. They are assigned to whatever routes need to be covered on a particular day. Komsky added that spares get paid for the day, even if they do not go on a route. Davidov stated that, on days when all the regular drivers show up and the spares are not needed to drive, the spares may help drive buses back and forth to LIC or Great Neck for repairs or inspections. (He did not know what the spare escorts do if they are not needed for routes on a particular day.)

#### Mechanics

As stated above, the Employer employs three mechanics at the Long Island City facility, and four mechanics at the Great Neck facility. This section briefly describes the mechanics' work at those facilities and certain other information. Evidence regarding work they do at other locations is discussed separately below, in a section regarding their interaction with drivers.

Komsky testified generally that, because the Employer does not have many extra buses, the mechanics are very integral to the business. The Employer needs them to fix the buses and put them back in service right away.

Mechanics in Great Neck, including Employer-witness Kenneth Grey, perform routine repairs and maintenance for the Employer's fleet of buses, including the seatbelts which secure the children's car seats. Grey stated that the mechanics own their own



tools, which they keep at the Great Neck facility. Although the Employer does not officially designate the mechanics' skill levels (Class A, Class B, etc.), Grey stated that the mechanics each have different strengths. For example, one mechanic may be better with computerized diagnostics, another with electronic issues, and another with mechanical issues. He stated that mechanics also fill out inspection reports and maintenance records.

The Great Neck facility is only about one mile from the Douglaston facility. As described in more detail below, both Komsky and Grey testified that mechanics from Great Neck frequently go to the Douglaston facility. However, Grey said he does not go to the LIC facility or to the Coney Island parking area.

Komsky testified that there is no supervisor or manager in Great Neck, although he characterized Grey as the "foreman" there. (Grey called himself the "head mechanic.") Grey stated that mechanics either divide the work among themselves, taking their various skills into account, or that he assigns it to them. Grey also stated that he reports the Great Neck employees' hours on a weekly basis, for payroll purposes.<sup>6</sup>

As noted above, mechanics at the LIC facility perform heavier repair work and also prepare buses for DOT inspections. The LIC facility is about 15 minutes away from

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<sup>6</sup> It is impossible to determine from Grey's testimony whether/how the Employer actually records the employees' hours. On one hand, Grey claimed that he punches a time card at the Great Neck facility. However, he also testified that he almost always begins his workday at the Douglaston facility (helping to start the vehicles, etc. as described below), but initially could not explain how he records his start time at Douglaston, and did not even know whether the Douglaston facility has a time clock. Eventually he explained that the Employer trusts him to report what time he started at Douglaston, without punching in. Furthermore, although Grey claimed to use time cards to determine employees' work hours, he also claimed that after he verbally reports employees' hours to Igor Komsky or manager Yuriy Alishayev, the cards are discarded. When Komsky was asked whether the Employer keeps time records, he said no, "I think Yuriy just calculate somewhere, you know. He tells me how many hours." The Employer refused to produce time cards or other payroll records pursuant to subpoena.



the Douglaston facility. LIC mechanic Boris Krasilovski testified that he does not go to Douglaston or Coney Island, and that mechanics from each repair facility (LIC and Great Neck) generally do not go to the other repair facility. There is no supervisor or manager at the LIC facility.

Mechanics must have a driver's license because they drive buses (without passengers) to and from the Employer's locations. However, they are not required to have a CDL. Since they do not transport any children, they are not required to have a background check, or DOE credentials or training. Although Komsky testified generally that he would like mechanics to become qualified to drive passengers too, he did not know whether any mechanics were currently qualified to work as drivers or escorts. He claimed that mechanics substituted for drivers a few years ago, but he could not remember their names. Mechanics do not substitute for escorts.

The Great Neck mechanics generally seem to work an earlier schedule than drivers and escorts. At one point, Komsky testified that they may start as early as 4:00 a.m., and leave at 2:00 or 3:00 p.m., although the testimony was not entirely clear. Grey testified that the mechanics at Great Neck work six days per week (Monday through Saturday), and that he himself often works on Sundays too, if the Employer needs him to get buses ready for service on Monday. None of the mechanics work part-time. Komsky stated that mechanics are the only employees who work on weekends. It appears from the record that the LIC mechanics may work from about 7:00 or 8:00 a.m. to 4:00 or 4:30 p.m.

Although Komsky testified that mechanics "probably" earn about \$15 per hour, Grey stated that he earns \$13 per hour, and Krasilovski said he earns "\$12-something."



Grey stated that he also earns overtime pay (or time off), for example, when he works on the weekends. Komsky stated that the Employer brings the mechanics' weekly paychecks to their respective facilities. Finally, Grey stated they he receives a yearly bonus of up to \$1,500, and other mechanics at Great Neck earn a bonus of up to \$700.

The record indicates that mechanics are the only classification to wear a uniform.

**Drivers' contact with mechanics**

The record contains contradictory evidence from the Employer's witnesses and the Petitioner's witnesses regarding the drivers' interaction with other classifications of employees (other than escorts). Generally, the Employer's witnesses described a great deal of driver interaction with mechanics and yard employees, whereas the Petitioner's witnesses described very little such interaction.

Specifically, Komsky testified that mechanics from Great Neck come to Douglaston every day to help start the vehicles and deal with lightbulb replacement or other minor repairs.<sup>7</sup> He explained that it is especially important for the mechanics to help start the buses in winter. Komsky further stated that, if drivers notice a problem during their morning inspection, they tell a mechanic, yard employee or manager. In response to a leading question of whether drivers submit written inspection reports to mechanics, Komsky answered affirmatively. Similarly, mechanic Kenneth Grey (who works primarily in Great Neck) testified that he goes to Douglaston every morning to help start the buses in the winter, and to make any minor repairs needed. Grey stated that he spends at least 30 minutes at Douglaston each morning, and talks to drivers there every

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<sup>7</sup> Mechanics from the Long Island City facility, including employer witness Boris Krasilovski, do not go to Douglaston routinely. Krasilovski testified that he "never" goes to Douglaston, or "maybe once."



day. In response to a question about whether he asks drivers about the problem with their vehicles, he answered affirmatively. Grey stated that other mechanics from Great Neck may spend less time than he does at Douglaston, like 15 minutes per day if they go only to pick up a vehicle for repair.

In addition, Komsky and Grey testified that drivers sometimes bring their vehicles to the Great Neck or LIC facilities for repair or inspection. On those occasions, the mechanics may talk to the drivers for a few minutes to find out what the problems are. Komsky estimated that this occurs about once per week.<sup>8</sup> Grey testified that drivers come to Great Neck "all the time" and "every day." Similarly, mechanic Boris Krasilovskiy testified that drivers come to drop off or pick up buses at the LIC facility every day, and he talks to them about what the problem is. However, driver Kabral testified that she never went to the Employer's other facilities.

Other forms of contact between drivers and mechanics, as described by the Employer's witnesses, include conversations via the Nextel radio system, such as a mechanic calling a driver to ask more detailed questions about the repair needed ("What noise did the vehicle make?"), or a driver calling him to ask about a problem ("What do I do if the 'check engine' light comes on?"). Neither Komsky nor Krasilovskiy estimated how often this happens, but Grey said it happens "very often" or "every other day." Furthermore, when a bus breaks down on the road, the Employer may send a mechanic

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<sup>8</sup> Komsky testified that he spends most of his work time in his office at the Douglaston facility. At one point, he stated that he might never see employees who don't come to Douglaston, other than when he hired them or when there is a company meeting. Nevertheless, in response to a question from the Hearing Officer, he also stated that he goes to the Great Neck and LIC sites, and has personally witnessed drivers talking to mechanics there. Komsky estimated that he goes to the Great Neck facility every day, and the LIC facility twice per week. LIC mechanic Krasilovskiy stated that he could not say how often Komsky comes to LIC, "maybe months."



there to deal with it. Komsky explained that it would depend on the type of problem. For example, if a driver called to say that he accidentally left a light on and drained the battery, a mechanic could bring a replacement vehicle to the driver right away and then, after the driver continued on his route, the mechanic would replace the battery. The driver does not wait around with a bus full of children, to wait for the repair. However, in case of a major breakdown which the mechanic could not fix on the spot, it would not make sense to send a mechanic there. Instead, a yard employee or someone else would bring a replacement vehicle for the driver, and arrange for the broken vehicle to be towed to one of the garages. Although Grey testified that he goes out for roadside repairs "every day," the record does not indicate how often mechanics actually interact with drivers at the roadside.<sup>9</sup> Although Komsky answered affirmatively when asked if mechanics from LIC go for roadside repairs, Krasilovski stated that he never does so. Finally, the Employer's witnesses stated that mechanics go out on "road tests" with the drivers, to see what the problem is. Grey stated that this happens "every other day at least," whereas Krasilovski stated that it is not "often."

By contrast, the Petitioner-witness drivers described little to no contact with mechanics. Driver Hernandez testified that he started his own vehicle, and generally did not talk to anyone else before leaving the Douglaston facility in the morning. If he noticed any problem with the vehicle, he would tell "Mr. Piuter" (yard employee Piuter

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<sup>9</sup> Grey testified that, one time, a vehicle with filled children broke down on the Grand Central Parkway. When he arrived with a replacement vehicle, the driver and escort were there, along with police. The police wanted to get the children off the dangerous roadside as soon as possible. Thus, although Grey has not been trained to deal with disabled children, he helped the driver and escort transfer children to the replacement vehicle. This situation appears to have been an exception, however. The record contains no other evidence that mechanics perform escort duties.



Davidov) or someone named "Mr. Bank" (not identified). A couple of times when his vehicle needed repair, he left it in the Douglaston parking area, and someone repaired it overnight or over the weekend; he did not talk to the mechanic. Hernandez estimated that, in his three years of employment, he went to Great Neck once, and LIC two or three times, to drop off a vehicle for repair or inspection. Finally, if he had a breakdown on the road, he would contact the office, and the Employer would send "Mr. Piuter" or "Mr. Bank" with a replacement vehicle, but he never interacted with a mechanic there. Similarly, Mercedes Kabral testified that she never spoke with any mechanics. If she noticed any problem with her bus, she notified Piuter Davidov. During her three months of employment, she never went to the LIC or Great Neck sites.

#### **Shop employees/helpers**

The Employer employs two shop employees or "helpers": Debra Brumby at Great Neck, and Tatiana (last name unknown) at LIC. Komsky testified generally that they schedule repairs and inspections, and arrange for the vehicles to be brought to their respective locations. Krasilovski testified specifically that Tatiana works in an office at the LIC facility, scheduling DOT inspections.

Komsky testified that shop employees earn \$10 per hour. They work from 9:00 a.m. to 3:00 or 4:00 p.m.

Presumably, given their duties and their location, shop employees have contact with the mechanics at their respective locations. However, the record contains no evidence showing that shop employees have contact with drivers, escorts or any other classifications.



**Yard employees, and their contact with drivers**

Komsky testified that the Employer employs three or four yard employees.

Witnesses gave somewhat contradictory testimony regarding the yard employees' duties and their extent of interaction with drivers. On one hand, Komsky explained that, since the Employer's parking space in Douglaston is very tight, yard employees help move buses out of the parking spaces in the morning, and help drivers move the buses back into the parking spaces at their shift's end. Komsky also stated that yard employees give drivers their keys and Nextel radios in the morning; help with the pre-trip and post-trip inspections; take the keys and Nextel radios back in the afternoon; and charge the radios overnight.

Yard employee Piuter Davidov testified (through a Russian-English interpreter) that his duties include "pulling" buses out of their Douglaston parking spaces in the morning, and helping with the post-trip inspections and parking in the afternoon. He initially stated that drivers take their Nextel radios from the office in the morning but, in response to a leading question regarding whether he gives drivers their radios, he answered "some of them." Similarly, after saying that drivers put their radios back in the office at the end of the day, he answered affirmatively when asked if the drivers ask *him* to take their radios every day. Davidov stated that he talks briefly to drivers in the morning, when they ask if their vehicles are ready. He also claimed that drivers give him pre-trip inspection paperwork. He initially stated that he spends 2 to 5 minutes talking to drivers in the morning but, on redirect examination, he stated that he talks to "almost all" of the drivers for 2 to 5 minutes *each*. Davidov further stated that, after drivers return to



Douglaston in the afternoon, he talks to "all of them." They tell him if their bus needs repair, and he makes a written note.<sup>10</sup>

By contrast, driver Hernandez testified that, in his three years of employment, no one ever parked his bus for him, and yard employees told him where to park only about four or five times. Hernandez stated that he picked up and dropped off his vehicle each day without talking to yard employee Davidov or anyone else. Similarly, driver Kabral testified that she picked up and dropped off her own keys and radio each day at Douglaston; that she did not communicate much with yard employees (other than saying hello); and that she "knows nothing" about them. Nevertheless, Kabral stated that Davidov or "Edward" told her where to park about once per week, and that she told Davidov if there was a problem with her bus. Neither driver described the interactions described by Davidov in the morning (such as getting keys and radios from yard employees, or asking yard employees if their vehicles were ready), although Hernandez did mention that he told "Mr. Piuter" or "Mr. Bank" if his bus had a problem, such as a lightbulb that needed replacement.

There seems to be no dispute that yard employees' duties also include bringing vehicles back and forth to different locations, such as bringing buses to LIC or Great Neck for repair or inspection, and bringing replacement vehicles to drivers whose buses break down. Davidov gave differing estimates of how often he goes from Douglaston to Great Neck (from 6 times per day, to "almost every day"), and to LIC (multiple times per

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<sup>10</sup> Davidov conceded on cross examination that he does not speak very much English, and speaks no Spanish. Petitioner witness Hernandez (who testified via a Spanish-English interpreter) stated that he has spoken some English to Davidov.



day, at least every day, or three times per week). He said he goes to Coney Island once every couple of weeks.

Yard employees are required to have a regular driver's license. They are not required to have a CDL, although Davidov himself has one. They are not required to have DOE training and certification.

Komsky testified that yard employees work in different shifts: from 6:00 a.m. to 2:00 or 3:00 p.m., or from 11:00 a.m. to 7:00 p.m. Davidov testified that he works for a couple of hours in the morning (6:00 to 8:00 a.m.), then goes home, then comes back to work again from 12:00 noon to 5:00 or 6:00 p.m. Yard employees do not work on weekends. Komsky stated that yard employees' starting wage is approximately \$9.00 or \$10.00 per hour. Davidov stated that he earns \$600 per week.

Yard employees do not wear uniforms.

#### **Washers and Cleaners**

The Employer claims to employ two washers, and one or two cleaners. Komsky testified that they work together to clean the vehicles and prepare them for DOT inspections. Washers primarily wash the vehicles' exterior, whereas cleaners clean the interior. They follow a written schedule of which buses to clean after certain intervals of time. Komsky said that drivers do not tell washers and cleaners when to clean their vehicles.

It appears from the record that the washers and cleaners work primarily at the Douglaston facility. Nevertheless, both Komsky and Davidov testified that washers sometimes go to LIC to wash buses there before inspection. Komsky estimated that this occurs approximately once per week. Davidov testified that he sometimes drives washers



or cleaners over to the Great Neck facility, whereas Great Neck mechanic Grey stated that those employees do not come to the Great Neck facility.

The washers' and cleaners' schedule is not clear from the record. At one point, Komsky testified that they work on weekends, when the vehicles are parked at the Douglaston facility, and mechanic Grey said that he sometimes sees washers when he works on Sundays. However, Grey also testified that he sees washers and cleaners at Douglaston on weekday mornings. Komsky also testified that washers may have a break in the middle of weekdays, and come back at 4:00 p.m. when the vehicles start returning from their routes. Yard employee Davidov testified that washers and cleaners work Monday through Friday.

Finally, to complicate matters further, driver Mercedes Kabral testified that she never saw any "washers" or "cleaners" whatsoever when she went to Douglaston (Mondays through Fridays); that she and other drivers and escorts cleaned their own buses; and that in her three months of employment, no one else ever cleaned her bus.

Komsky stated that both washers and cleaners earn \$8 per hour. They are required to have a regular driver's license.

#### **Escorts' interaction with other classifications**

As indicated above, escorts spend the majority of their work time with drivers in the vehicles. The record indicates very little interaction between escorts and employees in other classifications. Mechanic Grey stated that he says hello to escorts when he sees them in Douglaston, but that he does not have any work-related discussions with them. Krasilovski stated that he sees escorts with drivers at LIC but he does not "pay attention" to them because "it's not part of his job." Yard employee Davidov did not mention any



dealings with escorts in Douglaston, and said that he never sees escorts going to Great Neck or LIC. Escort Galindo described the one stop-sign repair incident involving Davidov, and also stated that she asked Davidov if she needed supplies for her bus. But, aside from that, Galindo testified that she did not talk to employees in other classifications, did not even know who the mechanics were, and did not go any other facility beside Douglaston.

#### **Other evidence**

Both Komsky and Davidov testified that Davidov substitutes for drivers on occasion. Davidov testified that he does so about once or twice per month.

Komsky testified regarding employees who temporarily substitute for other classifications, or permanently changed classifications, stating generally that employees "move from one position to other positions." For example, he stated that there was an escort named Nadar Kariuli who became a washer a few years ago, and then a driver about 18 months ago. Komsky also stated that a former escort, Arnold Shtein, became a yard employee in 2010, but then in January 2011 when there was a shortage of escorts, he worked as an escort again. In some cases, Komsky's testimony was vague, inconsistent or lacking in detail. For example, he claimed that there was a mechanic who substituted for drivers a few years ago, but he did not remember the person's name. He also claimed that two other yard employees (besides Davidov) had "certification," but could not remember their names. Finally, Komsky described a slew of multi-purpose employees, including 10 drivers certified to work as escorts, "a few" escorts certified to work as drivers, one washer certified to work as an escort, two or three cleaners certified to work as drivers or escorts, etc. However, Komsky later conceded that this was "just a guess,"



and that the Employer has not "surveyed" employees regarding their certifications since "years ago." There is no dispute that no other classification substitutes for mechanics.

Komsky testified that employees in all classifications get a 5% wage increase per year if they do a good job. The record contains no payroll records or other evidence to corroborate this.

Employees get the same paid holidays. Employees do not get paid vacation time, or health or pension benefits.

The parties submitted copies of memos to employees in support of their positions. The Petitioner introduced copies of memos addressed to drivers and escorts (Petitioner Exhibits 1, 2 and 3), whereas the Employer introduced memos addressed to all employees (Employer Exhibits 1, 2 and 3).

The Employer submitted excerpts from two contracts, and a stipulated election agreement in GVC Ltd., Case No. 2-RC-23405, showing that units represented by the Petitioner at other employers include mechanics along with the drivers and escorts.

### **DISCUSSION**

It is well established that a certifiable bargaining unit need only be *an* appropriate unit, not the most appropriate unit. Morand Bros. Beverage Co., 91 NLRB 409 (1950), *enfd.* 190 F.2d 576 (7th Cir. 1951); Omni-Dunfey Hotels, Inc., d/b/a Omni International Hotel of Detroit, 283 NLRB 475 (1987); P.J. Dick Contracting, 290 NLRB 150 (1988); Dezcon, Inc., 295 NLRB 109 (1989); Overnite Transportation Co., 322 NLRB 723 (1996). The Board's task, therefore, is to determine whether the petitioned-for unit is an appropriate unit, even though it may not be the *only* appropriate unit. The Board has stated that, in making unit determinations, it looks "first to the unit sought by the



petitioner. If it is appropriate, our inquiry ends. If, however, it is inappropriate, the Board will scrutinize the employer's proposal." Dezcon, Inc., *supra*, 295 NLRB at 111. Thus, the unit requested by a petitioning union is the starting point for any unit determination. In assessing the appropriateness of any proposed unit, the Board considers such community-of-interest factors as employee skills and functions, degree of functional integration, interchangeability and contact among employees, and whether the employees have common supervision, work sites, and other working terms and conditions.

Furthermore, when a labor organization seeks to represent employees at a single location of a multi-location employer, the Board generally presumes the single-location unit to be appropriate, even though a broader unit might also be appropriate. A multi-location employer who asserts that the single-location unit is *inappropriate* must rebut the presumption, for example, by showing that the single plant is so integrated with the other plants as to lose its separate identity. Kroger Limited Partnership, d/b/a Hillander Foods, 348 NLRB 1200 (2006); Cargill, Inc., 336 NLRB 1114 (2001); Kendall Co., 184 NLRB 847 (1970). The burden is on the employer to prove by affirmative evidence a lack of autonomy at the local level. J & L Plate, Inc., 310 NLRB 429 (1993). The relevant factors include the extent of interchange and contact among employees at the different facilities; their functional integration; the extent of centralization in management and supervision, especially with regard to labor relations (hiring, firing, affecting the terms of employment); geographical distance between the facilities; and the history of collective bargaining, if any.



Bearing these principles in mind, I find that the petitioned-for unit of drivers and escorts constitutes an appropriate bargaining unit by itself, and need not include the other classifications sought by the Employer. In that regard, I find that the Employer has not shown that the additional classifications share such a strong community of interest with drivers and escorts so as to render the petitioned-for unit inappropriate. However, I also find that it would be inappropriate to exclude the drivers and escorts who report to locations other than Douglaston, or the spares, from the large unit of drivers and escorts.

#### **Drivers and escorts versus other classifications**

Specifically, the record demonstrates that drivers and escorts are the only classifications who work directly with the children/passengers. Employees in both classifications must be certified by the Department of Education to do so. In this regard, both classifications are required to undergo a screening process (including a medical examination, background check and drug testing) and special training. Both classifications are also required to have refresher training as a condition of continued employment. No other classification in the Employer's operation requires such certification, testing and training.

Furthermore, since drivers and escorts alone must meet the unique requirements described above, it follows that their job functions are not interchangeable with the functions of mechanics, shop employees, yard employees, washers and cleaners. No one may substitute for escorts except drivers, and one yard employee (Arnold Shtein) who used to work as an escort. Similarly, no one may substitute for drivers, with the one specific exception of yard employee Davidov. Komsky's vague testimony that various other employees may substitute for escorts or drivers (which he later conceded was a



"guess") is not substantiated by the record. And, conversely, the record indicates that drivers and escorts generally do not substitute for mechanics, yard employees, shop employees, washers and cleaners.

As for the "work site" community of interest factor, the record indicates that drivers and escorts spend the vast majority of their work time together on the road transporting passengers. Even the drivers and escorts who report to the Douglaston facility spend most of their workday away from it, except for a short period of time at the beginning and end of their shifts. They generally do not return to Douglaston between their morning and afternoon routes. Furthermore, the record does not establish that they spend any substantial amount of time at the Great Neck and LIC facilities, where the mechanics and shop employees spend most of their time.

Although the Employer's post-hearing brief contends that the petitioned-for employees' contact with other classifications is "constant," the record does not support such a contention. First, it must be noted that the Petitioner's witnesses reported minimal contact with other employees at Douglaston. Even Komsky conceded at one point that drivers and escorts who report to Douglaston spend only about five minutes there before leaving for their morning routes. Furthermore, mechanic Grey's estimate that some Great Neck mechanics spend 15 to 30 minutes per day in Douglaston does not demonstrate significant contact, in the context of a full work day. Similarly, although the Employer's witnesses reported other types of contact during the day (such as conversations between mechanics and drivers regarding problems with their vehicles), Komsky conceded that the conversations last only a "few minutes." Finally, although the Employer points to a



common break area and restrooms at the Douglaston facility, the record does not indicate any significant interaction among the classifications there.

The Employer also claims that employees in the various classifications earn “similar” rates of pay, and earn the same annual pay increases. However, the Employer refused to provide payroll records subpoenaed by the Petitioner, which could allow an adverse inference that the pay rates and increases are not in fact similar. In any event, the Employer-witnesses’ own uncorroborated testimony fails to show similar payrates. For example, Komsky stated that mechanics probably earn \$15 per hour, which would be almost double the escorts’ rate of \$7.95 per hour.

Of course, there is some evidence tending to show a community of interest between the petitioned-for employees and other classifications, especially their overall common supervision. The record indicates that Komsky and Alishayev are the only supervisors for employees in all classifications. Employees also receive common benefits (such as the same paid holidays) or lack thereof (no health or pension, no paid vacation). Nevertheless, I conclude that these factors alone do not render the petitioned-for unit inappropriate.

In sum, based on the foregoing, I find that the petitioned-for drivers and escorts have sufficiently separate interests from other employees to constitute their own, appropriate bargaining unit. That does not necessarily mean that other bargaining units might not be appropriate as well. As the Board has repeatedly stated in such cases as Overnite Transportation Co., 322 NLRB 723 (1996), “there is more than one way in which employees of a given employer may be appropriately grouped for purposes of collective bargaining.” *Id.*, 322 NLRB at 723. In the instant case, I find that the



Petitioner has chosen *an* appropriate unit, and that the Employer has not met its burden of proving that the exclusion of the other classifications renders the petitioned-for unit inappropriate. Accordingly, I will direct an election below in a unit of drivers and escorts.

**Douglaston facility versus other facilities**

The Petitioner seeks to represent only those drivers and escorts who report to the Douglaston facility. However, given the nature of Employer's overall operation, it would be arbitrary to exclude the few employees who report elsewhere, or who go straight from home to their routes without physically reporting to any Employer facility.

Specifically, the record indicates that 85% to 90% of the drivers report to the Douglaston facility each work day. Approximately five drivers park their buses at other facilities (Long Island City and Coney Island) for convenience, and some drivers are allowed to drive the bus to their homes overnight. A smaller percentage of escorts than drivers (Komsky estimated about 50% to 60%) report to the Douglaston facility in the morning, because some escorts get picked up at or near their homes by the drivers en route to their first run.

Regardless of where they park their vehicles, all drivers and escorts perform the same work, have the same qualifications, and are supervised by the same supervisors. I find that it would be inappropriate to exclude the relatively small number of drivers and escorts who do not physically report to Douglaston from an overall unit of drivers and escorts. In this regard, I find that the presumptive appropriateness of the petitioned-for, single-site unit has been rebutted. I will therefore direct an election among all drivers and



escorts employed by the Employer, regardless of whether they physically report to Douglaston.

**Spare drivers and escorts**

The Employer is required by DOE to employ a certain percentage of spares on hand to fill in for absent drivers and escorts. The record shows that the small number of spare drivers and escorts perform the same work, have the same qualifications and the same supervisors and other working conditions as the petitioned-for drivers and escorts. They regularly substitute for absent drivers and escorts, working on the same routes. The only difference is that the spares are not assigned to their own "regular" routes. In short, I find that spare drivers and escorts are identical to the petitioned-for escorts, and must be included in the voting unit.

Using a formula that the Board uses to distinguish eligible part-time employees from truly casual or irregular part-time employees (*see, e.g., Tri-State Transportation Co., Inc.*, 289 NLRB 356 (1988); *Brattleboro Retreat*, 310 NLRB 615, 627 (1993)), I find that any spares who have worked an average of at least four (4) hours per week during the 13-week period prior to the issuance of this Decision shall be eligible to vote as part-time employees.

At the hearing, the Petitioner indicated its willingness to proceed to an election if the Region decided to include the spare drivers and escorts in the unit. However, the Petitioner did not indicate whether it would proceed in a unit including drivers and escorts who report to other facilities besides Douglaston. Thus, if the Petitioner chooses not to proceed to an election under these circumstances, the Petitioner must notify the Regional Office within one week of the issuance of this Decision. It should be noted that



the Petitioner's showing of interest is adequate for the larger unit I have found appropriate herein.

### **CONCLUSIONS AND FINDINGS**

Based upon the entire record in this proceeding, the undersigned finds and concludes as follows:

1. The Hearing Officer's rulings made at the hearing are free from prejudicial error and hereby are affirmed.

2. The parties stipulated that Iridium Services Corp., I & Y Transit Corp., and Alina Services Corp. operate as a single employer, engaged in providing bus transportation services. Each is a domestic corporation with its principal office and place of business located at 245-37 60<sup>th</sup> Avenue, Douglaston, New York. During the past year, which period represents the annual operations generally, the Employer collectively derived gross revenues valued in excess of \$250,000. In that same time period, the Employer also purchased and received goods valued in excess of \$5,000 directly from points outside the State of New York.

Based on the foregoing, I find that the Employer is engaged in commerce within the meaning of the Act. It will therefore effectuate purposes of the Act to assert jurisdiction in this case.

3. The parties stipulated that Local 1181-1061, Amalgamated Transit Union, AFL-CIO, is a labor organization as defined in Section 2(5) of the Act. The Petitioner claims to represent certain employees of the Employer.



4. A question concerning commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. As discussed *supra*, I find that the following employees constitute a unit appropriate for the purposes of collective bargaining:

All full-time and regular part-time drivers and escorts (matrons) employed by Iridium Services Corp., Alina Service Corp. and/or I & Y Transit Corp., out of their facilities located at 245-37 60<sup>th</sup> Avenue, Douglaston, New York; 53-09 Van Dam Street, Long Island City, New York; 70 Horace Harding Boulevard, Great Neck, New York; and 2752 West 15<sup>th</sup> Street, Brooklyn, NY; but excluding all other employees, dispatchers, clerical employees, mechanics, shop employees/helpers, yard employees, washers, cleaners, guards and supervisors defined in Section 2(11) the Act.

#### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by Local 1181-1061, Amalgamated Transit Union, AFL-CIO. The date, time, and place of the election will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Decision.

#### **A. Voting Eligibility**

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In



addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such a strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States who are employed in the unit may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

**B. Employer to Submit List of Eligible Voters**

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). This list may initially be used by



me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, Two MetroTech Center, 5th Floor, Brooklyn, New York 11201, on or before **June 10, 2011**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted to the Regional Office by electronic filing through the Agency's website, [www.nrlb.gov](http://www.nrlb.gov),<sup>11</sup> by mail, or by facsimile transmission at (718) 330-7579. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

Since the list will be made available to all parties to the election, please furnish a total of two copies, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

#### **C. Notice of Posting Obligations**

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for at least three (3) working days prior to 12:01 of the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Club Demonstration Services, 317 NLRB 349

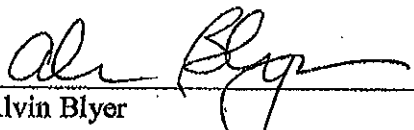


(1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **June 17, 2011**. The request may be filed electronically through E-Gov on the Agency's website, [www.nlr.gov](http://www.nlr.gov),<sup>12</sup> but may not be filed by facsimile.

Dated: June 3, 2011.

  
Alvin Blyer  
Regional Director, Region 29  
National Labor Relations Board  
Two MetroTech Center, 5th Floor  
Brooklyn, New York 11201

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<sup>11</sup> To file the eligibility list electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the E-Gov tab. Then click on the E-Filing link on the menu, and follow the detailed instructions.

<sup>12</sup> To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the E-Gov tab. Then click on the E-Filing link on the menu and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter, and is also located under "E-Gov" on the Agency's website, [www.nlr.gov](http://www.nlr.gov).



# EXHIBIT B



BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

IRIDIUM SERVICES CORP., I & Y  
TRANSIT CORP., ALINA SERVICES  
CORP., A SINGLE EMPLOYER,

Employer,

and

LOCAL 1181-1061, AMALGAMATED  
TRANSIT UNION, AFL-CIO,

Petitioner.

29-RC-12021

The above-entitled matter came on for hearing pursuant to Notice, before **DAVID STOLZBERG**, Hearing Officer, at National Labor Relations Board, 2 Metrotech Center, 5<sup>th</sup> Floor, Brooklyn, New York, on Friday, April 1, 2011, at 9:30 a.m.

BURKE COURT REPORTING, LLC  
1044 Route 23 North, Suite 316  
Wayne, New Jersey 07470  
(973) 692-0660



1 Services Corp?

2 A Yes. Yes, I do.

3 Q And what is Iridium Services Corp?

4 A It's a company who transport -- who transport people, you  
5 know, to schools, from schools in a private -- private  
6 transportation company.

7 Q Okay. What type of people does it transport to and from  
8 school?

9 A They transport kids, pre-K kids from school and to the  
10 schools.

11 Q Pre-Kindergarten?

12 A Pre-Kindergarten.

13 Q And does Iridium do that transportation pursuant to  
14 contract?

15 A Iridium is doing the transportation pursuant contract  
16 (sic). It also has private work.

17 Q And who does have -- Iridium Services have contracts with  
18 for transportation?

19 A Iridium Services has contract with the Board of Ed, Board  
20 of Education. And --

21 Q New York City Board of Education?

22 A Board of Education.

23 Q New York City Board of Education.

24 A New York City Board of Education.

25 As well as private -- private contracts with private



- 1 people.
- 2 Q And private people, do you mean private schools?
- 3 A Private schools, yeah. Charters.
- 4 MR. MARINOVIC: I'm sorry?
- 5 THE WITNESS: Private charters.
- 6 MR. MARINOVIC: Private charters, thank you.
- 7 THE WITNESS: Yeah.
- 8 BY MR. POLLACK:
- 9 Q When did Iridium Services first get into the business of
- 10 transporting pre-K students?
- 11 A Iridium Services Corp begin services at 1999.
- 12 Q And do you know who the owner of Iridium Services Corp is?
- 13 A Yes, I know.
- 14 Q Who is the owner?
- 15 A Igor Komsky.
- 16 Q That's you?
- 17 A Yes.
- 18 Q You own 100 percent of the Company?
- 19 A I own 100 percent of the Company.
- 20 Q One hundred percent of the Company?
- 21 A Yeah.
- 22 Q Okay. Does Iridium Services have employees?
- 23 A Iridium Services have employees.
- 24 Q Okay. Do you know what types of employees or what
- 25 classifications of employees Iridium Services --



- 1 A Iridium Services has drivers, part-time drivers, matrons,  
2 part-time matrons, repair people --
- 3 Q Repair people?
- 4 A Repair people. Shop employee. Guardsmens.
- 5 Q Did you say guardsmen?
- 6 A Not guardsmen, yards men.
- 7 Q Yard, with a "Y"?
- 8 A Yard. Yeah, yard, yeah.
- 9 Q Okay.
- 10 A Yards men. Washers, cleaners, shop employee.
- 11 Q You said that already.
- 12 A I think it's, you know, all of that. The clerical people,  
13 the dispatchers and two managers, me and Yuri.
- 14 Q And what is Yuri's last name?
- 15 A Alishaue.
- 16 Q Can you spell that?
- 17 A A-L-I-S-H-A-U-E.
- 18 Q Now, you said repair people; what did you mean by repair  
19 people?
- 20 A The people who repair my bus.
- 21 Q Mechanics?
- 22 A Mechanics.
- 23 Q And you said drivers and part-time drivers and matrons and  
24 part-time matrons; did you mean to say that you also -- you  
25 have full-time drivers and part-time drivers and --



- 1 A I have --
- 2 Q -- full-time matrons and part-time matrons?
- 3 A I have both, yes.
- 4 Q And what do yardmen do?
- 5 A What --
- 6 Q You know what, strike that, let me get back to this.
- 7 HEARING OFFICER STOLZBERG: Excuse me, one question.
- 8 Escorts and matrons?
- 9 THE WITNESS: The same.
- 10 HEARING OFFICER STOLZBERG: They are the same?
- 11 THE WITNESS: Yeah.
- 12 HEARING OFFICER STOLZBERG: Okay, thank you.
- 13 BY MR. POLLACK:
- 14 Q Dispatchers and -- what dispatchers do you have? Let me
- 15 strike that.
- 16 How many dispatchers do you have?
- 17 A I have two dispatchers.
- 18 Q And how many clerical people do you have?
- 19 A I have one clerical person.
- 20 Q And --
- 21 MR. MARINOVIC: I'm sorry, one?
- 22 THE WITNESS: One.
- 23 MR. MARINOVIC: Thank you.
- 24 BY MR. POLLACK:
- 25 Q What does that clerical person do?



1 all, you know, between -- you know, to bring on time, you know,  
2 to help the mechanics to setup, you know -- to be in the right,  
3 you know -- so they have a vehicle when they need to be there,  
4 you know, all things like that.

5 Q Okay. So are there any -- I may have asked this before,  
6 are there mechanics employed by Alina?

7 A Yes.

8 Q Shop employee/helper employed by Alina?

9 A Yes.

10 Q Any yardmen employed by Alina?

11 A I think so.

12 Q Okay. Any washers employed by Alina?

13 A I think so.

14 Q Any cleaners employed by Alina?

15 A I think so.

16 Q Okay. The clerical people and dispatchers, are they -- do  
17 they also work for -- strike that.

18 Do they get a -- where does their payroll check come from;  
19 do you know?

20 A For who?

21 Q The clerical people. The clerical person, let's start  
22 with just the clerical person.

23 A Clerical person, because this whole three company is owned  
24 by, you know, I'm owner of this three company, so I really  
25 don't -- you know, you need to know what -- who is getting



- 1 payroll?
- 2 A Yes.
- 3 Q And how is that internal accounting done?
- 4 A It's -- it's -- he get a bonus, he get, you know, paid
- 5 from some -- some, you know, for his time to be in Iridium. He
- 6 reimbursed from Iridium.
- 7 Q Does he actually get a check from I & Y and a check from
- 8 Iridium?
- 9 A Yes. Yes. I think so.
- 10 Q How about from Alina?
- 11 A Not from Alina.
- 12 Q And do you also get a check from I & Y?
- 13 A No, I don't.
- 14 Q Okay. Now, so the record is clear, what do
- 15 matrons/escorts do?
- 16 A Matrons and slash escorts, they -- when the bus come to
- 17 the stop, they -- they will take the child and they put the
- 18 child into the car seat or into the booster or into the seat
- 19 and then they strap the child. And when we --
- 20 MR. MARINOVIC: I'm sorry, the -- I didn't hear you, they
- 21 shove the child?
- 22 MR. POLLACK: Strap.
- 23 THE WITNESS: Strap.
- 24 MR. MARINOVIC: Strap the child.
- 25 THE WITNESS: You know, with the belt.



1 MR. MARINOVIC: That's what I thought, thank you.

2 THE WITNESS: With the seatbelt, yeah.

3 And then they would bring this kids to the schools and  
4 then the schools take -- when the people from the schools come  
5 out from the school they take the kids to them. And the same  
6 way when they -- when the kids goes home, they pick up the kids  
7 from the school and bring them home to the parents. It's curb-  
8 to-curb service.

9 BY MR. POLLACK:

10 Q Okay, the escort/matrons, they don't actually drive the  
11 bus at all; correct?

12 A They don't drive the bus.

13 Q Only the bus drivers drive the bus; correct?

14 A Only bus drivers drive.

15 Q Okay.

16 A And the mechanics.

17 Q Do the mechanics drive the bus with the students on them?

18 A No, I don't want them to drive the bus with, you know,  
19 with the students.

20 Q Okay.

21 A They have right but I don't want them.

22 Q Okay. What is -- what do yardmen do?

23 A Yardmen, when the buses come -- when the buses leave in  
24 the morning the yard people prepare buses in the morning to --  
25 to be on time, so they come early to work. They start the bus,



1 they, you know -- we have our buses staying very, very close to  
2 each other so they move the buses, they bring them to the  
3 people so when they -- when the people come to work --

4 Q What people?

5 A The drivers and matrons come to work, the bus is already,  
6 you know, warm up, you know, so they save time on that. Plus,  
7 they make sure there's -- they -- because it's -- my facility  
8 is outside and it could be dark, so we don't have accidents in  
9 the morning and injuries, so they move buses, you know, to make  
10 sure the people get the buses on time and then, you know,  
11 without any, you know -- you know, some kind of, you know --  
12 nobody fell, nobody hit to each other, you know, and make no  
13 accidents, you know, injuries.

14 The same way in the evening, when the buses comes we --  
15 because we don't have much, too much space we park buses very  
16 close by in the middle of -- you know, so the yards people  
17 when, you know, buses come, he -- he park them, he tell where  
18 to park, he take the bus, park himself or -- you know, and put  
19 them together so we can all -- they can all fit the buses.

20 Q Okay. Let me just ask you 'cause that was a whole lot of  
21 words. In the evening when the drivers come back --

22 A Yeah.

23 Q -- the yard person -- what does the yard person do when  
24 the drivers --

25 A They --



1 out, but last 20 buses, 25 buses, they -- when there's a empty  
2 yard we don't need to be use -- he just saying -- and the yards  
3 man say which bus that the bus driver should take because we  
4 have inspection so he would say, "Oh, you may use this bus, you  
5 use the other buses. You use different bus."

6 Q So let me just see if I got it. So if the yard is crowded  
7 in the morning --

8 A And it is crowded.

9 Q -- so when -- let me ask it a different way. When the  
10 yard is full in the morning the yard men will take it out for  
11 the drivers?

12 A Right.

13 Q As the yard gets less full in the morning the drivers can  
14 then go get the buses themselves?

15 A Sure.

16 Q And is it the same way in the afternoon, so at the  
17 beginning when there's just a few driver -- a few buses the  
18 drivers will park themselves, but then when it's more crowded  
19 the yard man does the parking?

20 A Yes. And when they park themselves the yard man look  
21 'cause the park very, very narrow. Close by to each other.

22 Q So --

23 A Not to lose space.

24 Q So the yard man assists them?

25 A Assist the park -- assist the drivers.



1 you know, the requirements this bus has to be cleaned inside  
2 and outside and they wouldn't take inspector -- couldn't take  
3 the bus in if bus is not clean, so they prepare buses for  
4 inspections.

5 Q And you mean -- when you say "prepare" you mean by -- the  
6 cleaning aspect of prepare?

7 A The cleaning outside, inside and all, to bring, you know,  
8 to see that, you know, it's -- it's presentable condition.

9 Q Do they -- how do they wash the outside of the bus; is it  
10 by hand or do you have an actual bus washing machine?

11 A They have hoses, they have brushes, they have -- you know,  
12 it's old-fashioned way. But that's what we have; we don't have  
13 a -- some kind of facility.

14 Q And do the washers employed by Alina do the same thing as  
15 the washers that are employed by the other two companies?

16 A Yes, they do.

17 Q Okay. What do the cleaners do?

18 A Cleaners work together with the washers to prepare buses  
19 for DOT and make sure the buses in the morning, you know, they  
20 look inside the buses to see that they in a clean condition.  
21 They check -- they would dictate -- they would give us report  
22 which buses are not clean and they -- they would, you know, we  
23 would tell this to the people who work on the buses. And that  
24 they clean the buses for the inspections, you know, and they  
25 clean buses during the day when, you know, something happen,



- 1 so I don't expect you to know exact numbers, but Iridium, do  
2 you know approximately how many drivers Iridium employees on --  
3 I'm talking about combined full-time and part-time.
- 4 A I think Iridium employ about 75 drivers. 78. 75 --
- 5 THE WITNESS: 78.
- 6 MR. MARINOVIC: 75 to 78?
- 7 THE WITNESS: 78, probably.
- 8 MR. POLLACK: Okay.
- 9 BY MR. POLLACK:
- 10 Q And how many matrons/escorts does Iridium employ,  
11 approximately?
- 12 A About the same. The same. Probably the same.
- 13 Q By the way, is there a escort on every bus that's -- gets  
14 driven -- transporting pre-K kids?
- 15 A There are escort in the bus. I have a few routes when  
16 there's two escorts in the bus.
- 17 Q So one driver, two escorts?
- 18 A Yes.
- 19 Q And why would that be?
- 20 A It's called 1:1 service. We have handicapped kids which  
21 require 1:1 service, so I have -- I employ extra matron to be  
22 just for the one, for the baby.
- 23 Q And is that mandated by the Board of Education?
- 24 A Yes, it does.
- 25 Q How many mechanics does Iridium have?



- 1 A Iridium -- just Iridium or just three companies?
- 2 Q Just Iridium.
- 3 A Just Iridium has how many mechanics? I'll tell you how
- 4 many, Iridium has four mechanics.
- 5 Q By the way, I don't know if I asked you, do you also own
- 6 I & Y?
- 7 A Yes. Yes, I do.
- 8 Q How many shop employees/helpers does Iridium have?
- 9 A Iridium has one shop employee.
- 10 Q Okay. How many yard men does Iridium employee?
- 11 A Iridium has, I think, two yard men.
- 12 Q Okay. How many washers?
- 13 A Iridium, I think, has two washers.
- 14 Q Okay. And how many cleaners?
- 15 A I think one cleaner.
- 16 Q Okay. Now, Alina Services; do you know approximately how
- 17 many drivers Alina Services has?
- 18 A Alina --
- 19 Q Full-time and part-time combined?
- 20 A -- has about 10 drivers.
- 21 Q Would it also then have 10 escorts?
- 22 A And then maybe 10, 11 escorts.
- 23 Q Okay. And how many mechanics?
- 24 A Alina has one mechanic.
- 25 Q And how many shop employees/helpers?



1 A I think this integrated between this shop employee at work  
2 for just help to do the -- Alina's buses, as well, as Iridium.  
3 So we just share this employee for two company.

4 Q Okay. So does Alina not have a shop employee on its  
5 payroll?

6 A Alina I don't believe has one.

7 Q Okay.

8 HEARING OFFICER STOLZBERG: Excuse me, once again, did you  
9 say "little buses"? You said shares with --

10 THE WITNESS: No, they share -- no, they might help  
11 when -- because I have an employee in Iridium, you know, in  
12 Iridium company who is a shop employee, so this employee can  
13 help with Alina's buses, the same -- you know, the same way,  
14 you know. I don't have to have two people because Alina's a  
15 small company, it's maybe only, what, eight -- eight bus. So I  
16 wouldn't have a employee, you know, full-time employee to do  
17 that, you know, for eight buses.

18 HEARING OFFICER STOLZBERG: I'm sorry. I just misheard  
19 you. Thank you.

20 BY MR. POLLACK:

21 Q So I think we left off with me asking if Alina has any  
22 yard men. How many yard men at Alina?

23 A Alina has one yard man.

24 Q And how many washers does Alina have?

25 A Alina I think one washer.



- 1 Q And how many cleaners does Alina have?
- 2 A It -- does Alina have any cleaners? I'm not sure, maybe
- 3 it's also work between the company, so Iridium -- to do this
- 4 eight buses for Alina, not to have a separate employee.
- 5 Q So we don't think Alina has any cleaners?
- 6 A I not remember. (sic)
- 7 Q Okay. And now on to I & Y; how many drivers does I & Y
- 8 have?
- 9 A I & Y has about eight drivers. Nine drivers. Eight or
- 10 nine.
- 11 Q And does it have eight or nine escorts, too?
- 12 A Eight or nine escorts, too.
- 13 Q Okay. And how many mechanics?
- 14 A One mechanic.
- 15 Q And how many shop employees --
- 16 A One shop employee.
- 17 Q Okay. How many yard men?
- 18 A I don't believe we have -- anybody on the payroll in I & Y
- 19 in yard men.
- 20 Q Okay. How many washers?
- 21 A I think we don't have also. The -- it's also, we don't
- 22 have a separate employee for -- to work this.
- 23 Q How many cleaners?
- 24 A I don't believe we have also because it's only eight
- 25 vehicles, so as in this -- people just, you know -- the Iridium



1 people is helping to do that.

2 Q When did Alina Services begin transporting pre-  
3 Kindergarten students?

4 A Alina Services begin the -- to transport the Kindergarten  
5 kids at 1998.

6 Q And when did I & Y begin transporting pre-Kindergarten  
7 students?

8 A I & Y begin to transport, beginning our services 2005.

9 Q Do you have a facility in Douglaston, New York?

10 A Yes, we do.

11 Q What's the -- where in Douglaston is that facility?

12 A It's at 245-37 West 60<sup>th</sup> Avenue, Douglaston, 11362.

13 Q Can you just slow down, and not to reveal any  
14 attorney/client communications, but we've had this conversation  
15 about when you fast it's hard to understand you.

16 A 245-37 60<sup>th</sup> Avenue.

17 Q Okay. I'm going to deputize Adrien to yell at you if  
18 you're speaking too fast.

19 A Okay.

20 Q Okay. Just slow it down, it's not a race.

21 A Okay.

22 Q What is at the Douglaston location? Can you describe the  
23 facility?

24 A At Douglaston location it's facility with offices. And  
25 there's the yard when we park the buses, one of the yards.



1 MR. MARINOVIC: I'm sorry, I didn't understand; what --

2 THE WITNESS: It's --

3 MR. MARINOVIC: -- the yard and then you said something  
4 else?

5 MR. POLLACK: Where they park the bus.

6 MR. MARINOVIC: Where they park the bus, I see.

7 THE WITNESS: Where we park the bus.

8 BY MR. POLLACK:

9 Q Okay, is it -- are there any other businesses or companies  
10 there? Strike that, bad word.

11 Are there any other businesses there?

12 A Yeah, there are.

13 Q Okay. What other business is there?

14 A There's a school there.

15 Q Okay.

16 HEARING OFFICER STOLZBERG: What school is that?

17 THE WITNESS: It's school called QSAC.

18 BY MR. POLLACK:

19 Q Can you spell that for the reporter?

20 A Q-S-A-C, QSAC.

21 Q And what is QSAC?

22 A It's a school for the pre-K kids.

23 Q Okay. Is that one of the schools you transport students  
24 to?

25 A We do.



- 1 Q Okay. Do you own QSAC?
- 2 A No.
- 3 Q Okay. Do you -- do you rent the space at Douglaston?
- 4 A Yes, we do.
- 5 Q And who do you rent the space from?
- 6 A From American Jewish Center.
- 7 Q Okay. And how big is your facility at Douglaston? How
- 8 big is the parking -- is the yard, do you know?
- 9 A Yeah, parking lot about 12,000 square feet.
- 10 Q And do you park buses there?
- 11 A Yes.
- 12 Q How many buses do you park there on a daily basis?
- 13 A Sixty. About 60.
- 14 Q About 60 buses?
- 15 A Yeah.
- 16 Q How many buses do the three companies combined run?
- 17 A About 65, I think.
- 18 Q Who works at, and I don't mean name names, I mean
- 19 classifications of people, who works at the Douglaston
- 20 location?
- 21 A Who works? Work during the day?
- 22 Q Yes.
- 23 A The clerical people, the dispatchers, me, Yuri, yards
- 24 men -- yards people, the cleaners, the washers.
- 25 Q Okay.



1           We have yard inspections few times a year from Board of  
2 Education so they, you know, the mechanics is there, you know,  
3 to assist this yard inspections. And mechanics is very, very  
4 integrated to our shop during the day, you know, because the  
5 buses come, buses can break down, mechanics, you know, do them  
6 right away, you know, put them back into the -- again to the  
7 lines because we don't have, you know, we don't have so many  
8 buses, you know, they should repair them right away.

9   Q     Do the mechanics ever do any repairs at Douglaston? Let  
10 me ask that a different way. Do the mechanics ever do any  
11 repairs on any vehicles at the Douglaston facility?

12   A     Yes, they do. They do --

13   Q     What types of repairs would they do at the Douglaston  
14 facility?

15   A     Minor repairs. You know, the tires, the -- I mean,  
16 sometimes, you know, the bus couldn't start so they have to  
17 start the bus; they can jump the bus with the batteries, make  
18 sure the bus started, at least to bring it to the -- not to use  
19 the tow truck to bring it, so they work on it right there in  
20 the facility.

21   Q     How often is there at least one mechanic at Douglaston  
22 there to start a bus or to do minor repair?

23   A     Almost every day.

24   Q     Do the mechanics --

25   A     Not one, few mechanics.



1 Q Oh, a few mechanics, I'm sorry.

2 Do the mechanics -- if the mechanics need to talk to a  
3 bookkeeper about a problem with their payroll, where would  
4 they -- where would that bookkeeper be located?

5 A They -- at Douglaston place, they could come to and talk  
6 to them.

7 Q And if a mechanic needed -- if you wanted to talk to the  
8 mechanic --

9 A I would call mechanic, would come to me and we'll talk.

10 Q Where do the mechanics get their paycheck? Physically,  
11 where are they physically given their paycheck?

12 A Some mechanics come to the -- to my -- to my Douglaston  
13 location, pick up checks. And because the -- we use mechanics,  
14 like, on a daily basis so we can bring mechanic's checks on  
15 Friday.

16 Like -- a lot of my employee don't come to the Douglaston  
17 at all, you know. I -- I might not see my employee -- 20  
18 percent of my employee at all because they -- they picked up by  
19 the driver somewhere and dropped there and then I don't see  
20 them. I can only see them when I hire them and during the --  
21 if we have meetings in the Company; only this time.

22 So we would try to help not to waste time or to make  
23 easier we could send the checks or they come to me to pick up  
24 checks. Not to me but to my girls, to the -- the clerical  
25 people.



1 Q Okay. Is the Douglaston facility limited to specifically  
2 one of the three entities or is it -- are -- is it more than  
3 one entity at the Douglas -- strike that.

4 Are there more than one entity's employees at the  
5 Douglaston facility?

6 A More than mine or are you talking about general?

7 Q No, is it only Iridium employees at Douglaston?

8 A No.

9 Q Is it only I & Y employees at Douglaston?

10 A No, three -- three groups employed there at Douglaston.

11 Q Okay. Do the drivers report to the Douglaston yard?

12 A Not every driver. I have another yards which driver  
13 report to the other yards.

14 Q Okay. How many drivers don't report to the Douglaston  
15 yard?

16 A Ten percent of drivers. Maybe even a little bit more.

17 Q Okay. So about 90 percent of the drivers come to  
18 Douglaston?

19 A Maybe a little bit less, maybe 85 percent.

20 Q Do any of your drivers take the bus home at night?

21 A Yes.

22 Q So are there -- do those drivers come to the yard at all?

23 A No, never.

24 Q Never?

25 A Come to there for their paycheck, for the -- if I call



1 them, if I have a problem with -- with anything. If I want to  
2 call them, I'll call them when they need them. You know, if  
3 they -- you know, otherwise they really, you know, they don't  
4 report to the Douglaston.

5 Q How many drivers take their bus home at night?

6 A About five.

7 Q And is that all in one company; all five of those? Are  
8 they all in one of the companies?

9 A I cannot -- I don't know.

10 Q Now, escorts, where do escorts report to work?

11 A Sixty percent escorts or fifty percent report to the  
12 Douglaston. And then 50 percent do not report to Douglaston;  
13 they are at home, at the stops, at the different location than  
14 my other buses are.

15 Q So just to make the record clear, for those 50 percent of  
16 escorts that do not report to Douglaston, is it that the driver  
17 picks them up at some location en route to picking up the  
18 students?

19 A Yes.

20 Q Okay. And that's okay with you; correct?

21 A Yes.

22 Q Do -- are there any shop employees/helpers that are  
23 employed at any of the other locations, other than Douglaston?

24 A Yes.

25 Q And do those employees come to Douglaston for any reason?



1 A They comes for -- to pick up a check. And they come, you  
2 know, when I need them to come. When I call them to come, they  
3 come in.

4 Q Okay.

5 A If I have some issue with them, you know, I want to  
6 discipline them, you know, anything, you know, I don't like how  
7 they do this services or, you know, I would call them.

8 Q And if they had a problem with a check and they needed --

9 A They would come --

10 Q -- to speak to a person --

11 A -- the would come to us, yes.

12 Q To Douglaston?

13 A Yes.

14 Q Okay. Now, let's talk about your two dispatch/clerical  
15 employees. Are your two -- are your dispatch/clerical  
16 employees, when they're dispatching, are they assigned to  
17 dispatch the employees that work for a specific company?

18 A No.

19 Q Do they dispatch drivers without regard to what company's  
20 payroll they're on?

21 A Yes, they are.

22 Q If you take your hand away from your mouth, Igor. Much  
23 better.

24 Do the dispatchers/clerical employees also -- do they give  
25 any instruction to the drivers?



1 HEARING OFFICER STOLZBERG: Ten days ago was the firing of  
2 the person who left the keys in the bus?

3 THE WITNESS: No, that was about eight months ago.

4 HEARING OFFICER STOLZBERG: Eight months ago.

5 Okay, can we go off the record for one moment?

6 (Whereupon, a brief recess was taken.)

7 HEARING OFFICER STOLZBERG: Back on the record.

8 DIRECT EXAMINATION (continued)

9 BY MR. POLLACK:

10 Q At the Douglaston, do all the employees that come to the  
11 Douglaston facility use the same entrance?

12 A No. There are two entrances.

13 Q What entrance -- who uses what entrance?

14 A They -- wherever, there two entrances there. They can  
15 come in from two entrances.

16 Q Does it matter what entrance they use?

17 A Doesn't matter.

18 Q Okay. Do all -- how many bathrooms -- how many men's  
19 bathrooms are there in the Douglaston facility?

20 A Ten men bathrooms. Three --

21 Q Is there -- how many actually -- I'm talking about how  
22 many stalls there are, I'm talking about how many physical --

23 A One.

24 Q -- rooms. There's one?

25 A One room.



1 Q So all the men at the Douglaston use the same bathroom?

2 A Yes.

3 Q How many ladies bathrooms are there?

4 A One.

5 Q So all the men that -- all the women that are at  
6 Douglaston, if they want to use the bathroom they're going to  
7 the same bathroom?

8 A Yes.

9 Q Okay. Is there a break room at Douglaston?

10 A Yes.

11 Q And who's that break room used by?

12 A It's a trailer. It's a rented trailer which employee use  
13 who are in the Douglaston; the yards men, the matron, some  
14 drivers, you know, the washers, the cleaners. The staff.

15 Q Okay. The mechanics there starting the buses --

16 A They can use, yeah.

17 Q -- can they use that break room, too?

18 A Yeah.

19 Q Do you also have a facility on Van Dam Street?

20 A Yes, we do.

21 Q And do you know the address on Van Dam Street?

22 A 5309 Van Dam Street.

23 Q And how far is that location from your Douglaston  
24 facility?

25 A Fifteen minutes.



- 1 Q 1-5?
- 2 A 1-5.
- 3 Q Okay. And what -- what kind of facilities are on Van Dam  
4 Street? What goes on there?
- 5 A It's a repair shop.
- 6 Q Okay. How many employees are -- strike that.  
7 Are there any employees based out of the Van Dam Street?
- 8 A There are four people.
- 9 Q Okay. What classifications are they?
- 10 A There's three mechanics and one shop employee.
- 11 Q Okay. Are those all -- all four of those employees  
12 employed by one of the three entities or is it a mix?
- 13 A I think they all by employed by entity. It's Iridium.
- 14 Q What entity?
- 15 A Iridium, I think.
- 16 Q And you may have just said that; the four people are what  
17 classifications?
- 18 A Three mechanics and one shop employee.
- 19 Q Okay. Are there any buses that get parked at this  
20 facility?
- 21 A Yes.
- 22 Q How many buses get parked at this facility?
- 23 A Few; two, three buses.
- 24 Q Okay. And is that where the drivers of those buses go to  
25 pick up those buses?



1 A Could be --

2 Q -- going to take longer?

3 A Could be one and a half day. Could be, you know,  
4 sometimes the guy come and have to go to other place, finish  
5 inspections and come tomorrow. We got to, you know.

6 Q Other than the drivers whose buses are parked there, do  
7 any other drivers ever go to the Van Dam facility?

8 A My drivers bring the buses to repair shop. My drivers,  
9 they take the buses from repair shop. My yards men take the  
10 buses to repair shop, take buses from repair shop. I use the  
11 drivers, you know, the yards men, the cleaners. The washers  
12 can do that, you know, to bring the buses to the shop and take  
13 the buses to the shop. Anybody who's not driving the bus is  
14 doing that. You know, they're like integrated together. They  
15 all together.

16 Q Okay. How often do drivers go to the Van Dam Street  
17 facility?

18 A When we -- when we tell them, if they have a vehicle  
19 breakdown, if vehicle drivable they can go, bring it there and  
20 they have a vehicle staying there, extra vehicle so they could  
21 pick up a vehicle from there, in a spare vehicle and go  
22 continue the route. Or you know, we tell them to bring the  
23 vehicles for DOT inspections, so they would bring the vehicle  
24 there and take the vehicle from there the same way. It's daily  
25 basis. You know, not every day but month -- once a month, once



1 not clean I would send there, you know, say, he coming to you  
2 guys, you know. And I would send them there to clean it if  
3 necessary.

4 Q And how often does that happen that you send the cleaners  
5 over there or the washers?

6 A It happens. It happened, yes.

7 Q How often?

8 A I don't know what "often" means.

9 Q How many times a week?

10 A One time a week.

11 Q Okay. When the drivers go there do they talk to the staff  
12 there? The repair staff there?

13 A Yes.

14 Q And in what circumstances would they be talking to the  
15 repair staff?

16 A They will talk about the vehicles there, what repair to be  
17 done, what happened with the vehicle. They would say they  
18 expect this because they drive the vehicle. They would  
19 recommend something to the -- they would give them a list what  
20 other things they think is not appropriate in the vehicle. I  
21 mean, they -- they really work with them very close. The  
22 driver --

23 HEARING OFFICER STOLZBERG: I'm sorry, please -- excuse  
24 me, in the gallery or whatever we call it, I'm not going to  
25 demand total silence, but I will say keep it down to a dull



1    roar, a whisper. We need to be able to hear the testimony, the  
2    questions and for the transcript it's necessary. Okay, thank  
3    you very much.

4           Continue, Mr. Pollack.

5   BY MR. POLLACK:

6   Q     Okay, I think I was asking you in what circumstances the  
7    drivers would talk to the repair people.

8   A     And I said that the driver really knows what the  
9    vehicle -- he drive the vehicle, he will tell recommendation to  
10   the -- to the repair people saying they another things -- they  
11   have another problems in the bus, "I would like you to check  
12   the system, the other system," you now. And would give him  
13   recommendation in the paper. You know, we have a -- and the  
14   mechanics would take this and check that.

15   Q     And if a mechanic -- if it's my bus that the mechanic's  
16   working and the mechanic wants to contact me to ask me a  
17   particular question about, you know, the problem I've been  
18   experiencing, can do that?

19   A     He would call -- he would call the bus driver and talk to  
20   them directly, yes.

21   Q     He would call --

22   A     Yes.

23   Q     -- the bus driver directly?

24   A     Yes.

25   Q     And how would he do that?



- 1 A He would call him. He has a list of all buses in his shop  
2 and he knows the radio, the form, whatever, you know, so he  
3 would come talk to the bus driver, say, you know, "Oh, did  
4 you -- what was it, the noise there before or just started  
5 today?" Or, you know, in terms of what happened. I don't  
6 know, I'm not a mechanic.
- 7 Q Do all your employees -- when I say "all your" I'm talking  
8 all three companies, do they all have Nextel two-way  
9 communication devices?
- 10 A Yes, they do.
- 11 Q Do mechanic staff have two-way communication devices?
- 12 A They have phones.
- 13 Q Okay. So the list you're talking about, is that organized  
14 by the bus number or by the driver's name?
- 15 A By bus maybe.
- 16 Q So if the mechanic wants to find me and call me on the  
17 Nextel how is he going to call me?
- 18 A He would -- we have a Nextel, is a phone together. Our  
19 Nextel and the phone, they are the same unit, so he would call  
20 the phone.
- 21 Q Oh, you can just look up my name and --
- 22 A Yeah.
- 23 Q Or he can just look up any bus driver --
- 24 A Yeah.
- 25 Q -- in his Nextel?



1 A Mechanics -- the mechanic's question is not the regular  
2 question, is difficult. Nothing regular about mechanical  
3 problems, so it's easier to talk on the phone.

4 Q And are all your facilities, they all use the same  
5 frequency, the same Nextel frequency?

6 A Yes.

7 Q And can they talk to each other on the Nextel regardless  
8 of what facility --

9 A Yes.

10 Q -- they work out of?

11 A Yes.

12 Q In Van Dam Street are there any managers working there?

13 A No.

14 Q Are there any clerical employees working there?

15 A No.

16 Q Are there any dispatchers working there?

17 A No.

18 Q Do you have an office at Van Dam Street?

19 A No.

20 Q Do you also have a facility in Great Neck?

21 A Yes, I do.

22 Q And do you know the address of the one in Great Neck?

23 A I don't, you know, it's Great Neck Road, you know, I don't  
24 remember what the number.

25 Q Okay. How far is that facility from your Douglaston



- 1 facility?
- 2 A About two minutes.
- 3 Q Two minutes. And what's -- what kinds of facilities are
- 4 at Great Neck?
- 5 A It's a bus repair facility.
- 6 Q Also a bus repair facility?
- 7 A Yes.
- 8 Q What employees are at Great Neck?
- 9 A What employee?
- 10 Q We don't need names, I mean classifications.
- 11 A We have the bus -- the repair.
- 12 Q Mechanic?
- 13 A Mechanics. And we have a shop employee.
- 14 Q Okay. How many mechanics?
- 15 A I think we have one, two. We have four mechanics and one
- 16 shop employee.
- 17 Q And are there any buses that get parked in Great Neck
- 18 overnight?
- 19 A Yes.
- 20 Q How many buses get parked in Great Neck overnight?
- 21 A Only buses who are for repairs.
- 22 Q Oh, okay. So let me ask you another question. At Van Dam
- 23 Street, are there a couple of buses that we talked about, are
- 24 those there with the drivers going there, those are not for
- 25 repairs; correct?



- 1 A Could be more than once a week.
- 2 Q And when drivers --
- 3 A People with the older buses could be three times a week.
- 4 You know, it depends; new bus and the old bus.
- 5 Q Do your drivers generally have an assigned bus that they
- 6 use?
- 7 A Yes, we do.
- 8 Q So when the drivers go to Great Neck do they interact with
- 9 the shop employees there? The helpers?
- 10 A Yes. Yes, they do.
- 11 Q The mechanics?
- 12 A Yes, they do.
- 13 Q And under what circumstances?
- 14 A They explain them the same way what could be the problem.
- 15 They could ask how, you know -- and the mechanics would
- 16 recommend these people, maybe they have to drive different way,
- 17 you know. I mean, give them, you know, what they -- what to
- 18 say. I mean, they -- they very, like I said, integrated
- 19 together.
- 20 Q Same question, if the mechanics at Great Neck wanted to
- 21 reach the driver would it be the same process as the ones we
- 22 just talked about at Van Dam Street?
- 23 A Yes.
- 24 HEARING OFFICER STOLZBERG: Excuse me, I would just like a
- 25 clarification for the reader of the record. I know that you



1 Igor, just as a reminder you're -- you remain under oath;  
2 okay?

3 THE WITNESS: Yes.

4 HEARING OFFICER STOLZBERG: Continue your questioning, Mr.  
5 Pollack.

6 MR. POLLACK: Would you remind the audience?

7 HEARING OFFICER STOLZBERG: Yes, and a reminder that we're  
8 going to try to keep the noise down in the rows back there.  
9 That's much appreciated, thank you.

10 **DIRECT EXAMINATION (continued)**

11 BY MR. POLLACK:

12 Q Okay, Mr. Komsky, do the drivers have to do a pre-trip  
13 inspection of their buses?

14 A Yeah, they do.

15 Q And what do they do if they find any problems with the  
16 buses?

17 A They would tell -- they would tell the people; the yard  
18 men, the mechanic, the manager report that there is a problem  
19 with the bus and if it's a minor problem, you know, a light  
20 bulb or that they can fix it right away, you know, the mechanic  
21 would come and fix it. Or you know, if a small problem, we  
22 would call and they would come right away. And or if it's a  
23 bigger problem, so the -- we would give them different bus and  
24 the people -- the yard men or the -- you know, people bring it  
25 to the shop or the mechanics would come to bus to repair.



- 1 A No.
- 2 Q Do you have any employees that work in more than one  
3 classification?
- 4 A I think so.
- 5 Q Do you have a driver that works as a washer, also?
- 6 A I have a matron who become a washer and become a driver.  
7 He was a matron and then he was a washer for a few years and  
8 now he's a driver.
- 9 Q Okay. And do you know that person's name?
- 10 A His name is Nadar Kariuli. Nadar --
- 11 Q I'm going to ask you if you know how to spell that, but -  
12 A Difficult. K-A-R-I-U-L-I.
- 13 Q And do you know when that happened?
- 14 A He was matron about five years ago. And then he was a  
15 washer for a few years, two, three years. And then now he's a  
16 driver for last year -- last year. Eighteen months.
- 17 Q Is there any employee that works both as a driver and a  
18 washer?
- 19 A No.
- 20 Q Do you have any drivers who ever fill in in any other  
21 positions occasionally?
- 22 A Yes.
- 23 Q Want to tell me about that?
- 24 A The driver, if I have not enough to matron, the driver  
25 could go to become a matron.



- 1 Q Do you have any drivers who ever fill in in any other  
2 positions?
- 3 A We have a driver who can fill to be yards man.
- 4 Q One driver?
- 5 A No, driver. I don't know.
- 6 Q How many?
- 7 A Few drivers.
- 8 Q And does that actually happen that they act as a yards  
9 man?
- 10 A Sometimes.
- 11 Q How often?
- 12 A When yards man is not there would go to the, you know, to  
13 some other businesses, he would substitute. He would help.
- 14 Q And how often does that happen?
- 15 A It happen often.
- 16 Q In the last six months how often did it happen --
- 17 A Very recent.
- 18 Q Okay, let me finish my question.
- 19 In the last six months how often did it happen that a  
20 driver filled in a yard man?
- 21 A Twenty times.
- 22 Q Is that a guess or --
- 23 A It's a guess.
- 24 Q Do you have any personal knowledge in the last six months  
25 of a driver filling in as a yard man?



1 A Yes.

2 Q Okay. How many times do you have personal knowledge of in  
3 the last six months?

4 A Can you repeat again?

5 Q Do you have a specific instance you're thinking of where a  
6 driver acted as a yard man?

7 A Yes.

8 Q What specific instance are you thinking of?

9 A I have a specific instance because the -- the yard man was  
10 sick, was in the hospital and I have to cover him, you know, to  
11 be, you know.

12 Q And when was this?

13 A Just few months ago.

14 Q Okay. And what drivers filled in for the yard man when he  
15 was in the hospital?

16 A I don't remember the name but I know that when the yards  
17 man went to the hospital they had to cover him, you know, we  
18 didn't hire nobody new, we just wait for him so we cover him.

19 Q And do you know for a fact that you covered him by using  
20 drivers?

21 A Yes.

22 Q Okay. Did you ever have a -- strike that.

23 Did you recently have a matron move to the yard man  
24 position?

25 A Yes, we do.



- 1 Q And when was that?
- 2 A Year ago.
- 3 Q And do you know that matron's name?
- 4 A Arnold Shten. Arnold Shtein.
- 5 Q Can you spell the last name?
- 6 A S-H-T-E-N.
- 7 Q And that --
- 8 A T-E-I-N. Arnold Shtein.
- 9 Q As a yard man, if you need an escort, if you're short an
- 10 escort, does he now ever go out and act as an escort also?
- 11 A Yes.
- 12 Q And how often -- strike that.
- 13 In the last -- well this has only happened in the past
- 14 year that he became a yard man; do you have a specific
- 15 recollection of him actually going out as an escort --
- 16 A Yes.
- 17 Q -- since he became yard man?
- 18 A Yes. Yes. I have recollection.
- 19 Q Do you know when that happened?
- 20 A It happened -- we have a short of staff of matrons maybe
- 21 in January, 'cause a lot of people get sick, so we got to use a
- 22 yards man to be in a -- to become, you know, the matron.
- 23 Q 2011?
- 24 A Yeah.
- 25 Q What happens in the event a driver's out on the bus and



- 1 by?
- 2 A It depends on location where it happened.
- 3 Q Location?
- 4 A Yes.
- 5 Q Who's -- which shop is closest to the breakdown?
- 6 A Yes.
- 7 Q Now, in the event that either a mechanic or a yards man --
- 8 A Let me -- let's get something, you know, the Van Dam shop
- 9 is a shop -- repair like heavy -- heavy repairs. We change
- 10 engine there, you know, so we try to use the shop more for
- 11 the -- this kind of repair. The repairs on Great Neck, it's
- 12 day-to-day repairs which they -- they always with us, you know,
- 13 this mechanics which we use them often, often to do that
- 14 because the incident happen, it would go there and help. Or if
- 15 a breakdown happen they would go there, you know. So the Great
- 16 Neck is more like --
- 17 Q Is Great Neck more maintenance?
- 18 A Small repairs.
- 19 Q Routine maintenance?
- 20 A Yeah.
- 21 Q Small repairs?
- 22 A Small repairs.
- 23 Q Do you do any body work or is it only the mechanical work
- 24 that your people are --
- 25 A We do only mechanical work.



- 1 Q Body work you send out?
- 2 A We send out.
- 3 Q Okay. Okay, so when either the mechanic or the yard man  
4 goes to the scene of the breakdown, is he going to talk to the  
5 driver?
- 6 A Would talk to the driver.
- 7 Q And what's he going to talk to the driver about?
- 8 A They make -- they would talk what happened, you know, how  
9 it happened, so the -- if he can fix it right away, you know,  
10 and again, we -- when the bus break down they -- what happen,  
11 we think we can fix it there or not. If we couldn't fix it  
12 there we wouldn't send mechanic there because that wouldn't  
13 make sense. And if he can fix it mechanic would go there and  
14 fix it right there on the spot and come back.
- 15 Q And then if the mechanic thinks he can fix it on the spot  
16 will -- can he tell the driver, "Just wait five minutes and I  
17 think I can fix it." or does the driver automatically get in  
18 this replacement bus and take off?
- 19 A Mechanic would get replacement bus and take off.
- 20 Q The driver would get a -- that replacement bus?
- 21 A Right. Right.
- 22 Q Regardless of whether the mechanic thinks he can fix it or  
23 not?
- 24 A Yes.
- 25 (Pause.)



- 1 A And if this happen and the dispatcher would ask "What  
2 happen?" "Oh, I couldn't start the bus." So dispatcher, if  
3 I'm not there and Yuri is not there she would call -- they  
4 would call the repair shop, "There's a problem there." "Okay,  
5 what happened?" If it's a starter --
- 6 Q Now, who's the repair asking this?
- 7 A We would -- we would call to the -- to the -- down to  
8 repair shop. Mechanics.
- 9 Q Okay. So the dispatchers call on the repair shop?
- 10 A Or -- no. If Yuri's there Yuri would call.
- 11 Q Okay.
- 12 A Why would dispatchers? You know, I'm saying, incidents if  
13 I'm not there -- if I'm there --
- 14 Q Okay.
- 15 A -- I would call.
- 16 Q Okay. So let's say you're there and you called the repair  
17 shop?
- 18 A I would say, "Oh," you know, "we have bus breakdown and we  
19 think you could fix it. It's -- it was -- it's a good bus,  
20 it's brand, one of," you know, and "What happened?" "We  
21 have" -- "Is battery running?" "Yes, battery running." If  
22 battery doesn't run so maybe we have to change battery so we  
23 would send the repair people, they would bring the bus, and  
24 then they would take the battery, they would change the battery  
25 and start the bus. Why would they not start the bus because



- 1 they forget to put the light on. They stand there maybe a few  
2 hours, went to school and forget to turn light off. So we  
3 would send the repair guy, he would go and change the battery.  
4 Meanwhile, you know, with -- you know, he would go in a  
5 different bus to bring in case it's not the battery because,  
6 you know, maybe it's not the battery, maybe it's different.  
7 But he will go there and he aware and the bus would go.
- 8 Q Okay. Do -- in making determination of whether the bus  
9 can be repaired out in the location, does the mechanic ever  
10 talk to the driver to determine what's going on with the bus?
- 11 A Mechanic will talk to the driver, yes.
- 12 Q And do you have any specific recollections of that  
13 happening, of the mechanic actually calling the driver?
- 14 A Yes, I do.
- 15 Q Okay. Do you -- can you tell us about it?
- 16 A I know my mechanic from Queens shop, from Van Dam shop me  
17 that "I want to talk to the driver to see because there is a  
18 noise there," and he wants to know when the noise started, how  
19 long he was driving like that, so he would call. It was what,  
20 one -- a few weeks ago.
- 21 Q And did the driver -- did the mechanic actually call the  
22 driver?
- 23 A Yes.
- 24 Q And that was in your presence?
- 25 A Mechanic would call the driver -- huh?



- 1 Q That was in your presence?
- 2 A No.
- 3 Q You were there when it happened?
- 4 A He asked me who is driver so he would talk to him --
- 5 Q Okay.
- 6 A -- because he wanted to know what happened in the bus, how
- 7 it could get to that.
- 8 Q Okay. And do you know if the mechanic actually called the
- 9 driver?
- 10 A Yes, I know mechanic called the driver.
- 11 Q Now, what if -- if I usually driver Bus Number 12 and I
- 12 get to work but Bus Number 12 is scheduled for a DOT
- 13 inspection, how do I know what bus I'm going to drive that day?
- 14 A We would -- the yards men would tell them which bus to
- 15 drive.
- 16 Q All right. So the yard men would --
- 17 A The day before or in the morning. Probably day before.
- 18 Night before.
- 19 Q In the morning how do the drivers get their keys to the
- 20 vehicle?
- 21 A They would come to the office and the yard people, they
- 22 would give them their radio, the keys, you know, the -- you
- 23 know, the routes, change of routes, you know, all kind of
- 24 things.
- 25 Q And so in the morning the yard men physically hand the



- 1 drivers --
- 2 A Fuel --
- 3 Q -- the keys?
- 4 A Yeah. Yeah.
- 5 Q They physically hand the drivers the Nextel radio?
- 6 A Yeah.
- 7 Q And they physically hand the drivers any route changes?
- 8 A Yes.
- 9 Q And in the evening when the drivers come back do they have
- 10 to turn in the vehicle keys?
- 11 A Yes.
- 12 Q And who do they turn in the vehicle keys to?
- 13 A They would bring it to the -- one of the yards men, they
- 14 put the key in a spot.
- 15 Q Is -- are they handing it to the yard man?
- 16 A Yeah, they -- some do hand it, some of them just put it in
- 17 the -- where's the number is there.
- 18 Q On a hook?
- 19 A On a hook.
- 20 Q How about the Nextel radio; do they have to return those?
- 21 A They hand it, yeah.
- 22 Q How do they return the Nextel radios?
- 23 A They give it to -- back to the people for the yard guy.
- 24 Q The yard man?
- 25 A Yard man. He would connect it to the -- to the, you know,



- )
- 1 A I don't know that. Maybe. Probably yes.
- 2 Q Who hires Iridium's employees?
- 3 A Yuri and me.
- 4 Q Who hires I & Y's employees?
- 5 A Yuri and me.
- 6 Q Who hires Alina's employees?
- 7 A Yuri and me.
- 8 Q Does that apply regardless of which location they're going
- 9 to be working at?
- 10 A No, doesn't.
- 11 Q It's not the same at each location?
- 12 A What do you mean?
- 13 Q Who hires the employees at Douglaston?
- )
- 14 A We -- we only hire people from the Douglaston.
- 15 Q Who hires the employees at Douglaston?
- 16 A Me, Igor Komsky and Yuri Alishaue.
- 17 Q Who hires the employees that are going to work out of Van
- 18 Dam?
- 19 A Me and Yuri Alishaue.
- 20 Q Who hires the employees that are going to work out Great
- 21 Neck?
- 22 A Me and Yuri Alishaue.
- 23 Q Who hires the employees whose buses are going to parked on
- 24 15th Street?
- 25 A Me and Yuri Alishaue.
- )



) 1 Q Okay. And if an employee wants their -- wants to take  
2 time off who do they have to go to to ask? Strike that.

3 If an employee wants to take time off do they have to ask  
4 permission?

5 A Yes.

6 Q Who do they ask?

7 A Yuri.

8 Q Is that the same for all your companies?

9 A Yes.

10 Q Is that the same for all the locations?

11 A Yes.

12 Q How are your -- strike that.

13 Are your employees paid weekly --

) 14 A Yes.

15 Q -- or bi-weekly? Weekly?

16 A Weekly.

17 Q Is that the same for all three companies?

18 A Yes.

19 Q Is it the same for all the locations?

20 A Yes.

21 Q Are they all paid on the same pay day?

22 A Yes.

23 Q All companies?

24 A Yes.

25 Q All locations?



- 1 A Yes.
- 2 Q Do you have any written employment application that people  
3 have to fill out?
- 4 A Yes.
- 5 Q Is that the same employment application that's used for  
6 all your companies?
- 7 A Yes.
- 8 Q Is that the same employment application that's used for  
9 all your locations?
- 10 A Yes.
- 11 Q And is that the same employment application that's used  
12 regardless of what position they're applying for?
- 13 A Yes.
- 14 Q And before when I asked you about all paid weekly, that's  
15 regardless of what position that we're talking about?
- 16 A Yes.
- 17 Q And they're paid on the same day regardless of position?
- 18 A Yes.
- 19 Q And they have to ask Yuri for time off regardless of  
20 position?
- 21 A Yes.
- 22 Q And you and Yuri hire all positions; correct?
- 23 A Yes.
- 24 Q Okay. Do you know approximately how much your mechanics  
25 are paid per hour? Strike that.



- 1 How are you mechanics paid?
- 2 A Paid hourly, yes.
- 3 Q Do you know approximately what the rate is?
- 4 A The rate would be 15 hours -- \$15 per hour, probably.
- 5 Q And do you know what the yards men rate is?
- 6 A Yards men? \$10 per hour.
- 7 Q Do you know what a shop employee/helper's rates are?
- 8 A \$10 per hour.
- 9 Q Do you know what a cleaner's rate is?
- 10 A \$8.
- 11 Q Do you know what a washer's rate is?
- 12 A \$8 per hour.
- 13 Q Do you know what a driver's rate is?
- 14 A \$12.25 per hour.
- 15 Q And do you know what an escorts rate is?
- 16 A \$8. 7.95, \$8 per hour. 7.85, 7.95.
- 17 Q Does --
- 18 MR. MARINOVIC: I'm sorry, 8.75 or 7.95?
- 19 THE WITNESS: 7.95, I think, if I recollect.
- 20 MR. MARINOVIC: \$7.95 --
- 21 THE WITNESS: Cents, yeah.
- 22 MR. MARINOVIC: -- an hour?
- 23 BY MR. POLLACK:
- 24 Q Does the same bookkeeper do the bookkeeping for all your
- 25 companies?



- 1 A Yes.
- 2 Q And the same for all your locations?
- 3 A Yes.
- 4 Q And does the same person do the payroll for all positions,  
5 regardless of classification?
- 6 A Yes.
- 7 Q Do you have a shuttle bus or shuttle vehicle that you use  
8 to take people between locations?
- 9 A Yes, we do.
- 10 Q Okay. And is it just one or is it more than one vehicle?
- 11 A It's more than one vehicle.
- 12 Q Is it a bus or a van or what is it?
- 13 A It's a bus.
- 14 Q And what -- where does it go from and what times does it  
15 go?
- 16 A They pick up employee from the stops. We make stops.
- 17 Q Okay.
- 18 A And in the morning starting I think 5:30 in the morning --
- 19 Q Okay.
- 20 A -- we have a yards men who would take the bus and another,  
21 you know, few people --
- 22 Q So yards men will be driving the shuttle bus?
- 23 A Yeah.
- 24 Q Okay.
- 25 A He would -- he would be, you know, one of them to drive



1 uniform that says Alina?

2 A No, I don't think so.

3 Q Are there any mechanics or shop employees that have an  
4 uniform that says I & Y?

5 A I don't think so.

6 Q Okay.

7 MR. POLLACK: Just give me a couple minutes. Let me take  
8 a moment to --

9 HEARING OFFICER STOLZBERG: Do you want to go off the  
10 record?

11 MR. POLLACK: Sure.

12 HEARING OFFICER STOLZBERG: Off the record.

13 (Whereupon, a brief recess was taken.)

14 HEARING OFFICER STOLZBERG: Back on the record.

15 DIRECT EXAMINATION (continued)

16 BY MR. POLLACK:

17 Q Mr. Komsky, do the mechanics, shop employees, yards men,  
18 cleaners, washers, do they get any fringe benefits that are  
19 different from the fringe benefits the, excuse me, drivers and  
20 escorts get?

21 A No.

22 Q Who's the boss -- who's the manager of the shop employees?  
23 And by shop employees I mean globally; the mechanics, the  
24 helpers, the washers, the cleaners, the yard men.

25 A Me.



1 Q Who's the boss, the top guy in charge of the drivers and  
2 escorts?

3 A I am.

4 Q And are you -- are you an active hands on employer?

5 A Yes, I am.

6 Q And you work basically on a daily basis?

7 A I work on daily basis.

8 Q Now, the drivers and escorts that report into your  
9 facilities, they don't actually work at the facility; correct?

10 A That's correct.

11 Q So how much time do you think a driver spends at the  
12 Douglaston facility in a day?

13 A The driver spends five minutes a day. Some driver who at  
14 the school at my location, which is -- there's a school at the  
15 same building, few drivers could stay there because they're  
16 there.

17 Q All right. They're not working for you during the day,  
18 just staying there?

19 A They -- they have a few hours they can relax, you know,  
20 did -- they don't have to stay there, they can go different  
21 place but they choose to stay. They stay a few hours.

22 Q Now, the drivers, they have a morning run and then they  
23 have time off and then they have an afternoon run; right?

24 A They have a morning run, a middle run.

25 Q Oh, they have a middle run?



- 1 A And they have afternoon run.
- 2 Q All the drivers have a midday run?
- 3 A Not all of them.
- 4 Q Okay. So a driver that doesn't have a midday run, does he
- 5 have to bring his bus back to the yard after the a.m. run?
- 6 A No.
- 7 Q He could keep it out?
- 8 A He could keep it home, yes.
- 9 Q He could keep it home.
- 10 A Some of them go home, yeah.
- 11 Q Can they go to like a shopping center with the bus?
- 12 A Yes.
- 13 Q And what does the escort do between runs?
- 14 A They can go home if they -- you know, they trying to put
- 15 the people to the schools where they live, you know, so they
- 16 can --
- 17 Q Close to the schools that they service?
- 18 A -- have a few hours and can go home. A few hours of a
- 19 break there and if not some of them, they cannot do that so
- 20 they -- McDonald's, you know, wherever the place, shopping
- 21 centers, you know, it's -- it depends wherever they -- you
- 22 know, it's their time. I don't ask them.
- 23 Q What generally are the hours of work of drivers and
- 24 escorts?
- 25 A General, you know, they come as early as 6:00.



- 1 Q A.M.?
- 2 A A.M. 5:45, probably 6:00. And we have people who work  
3 extra hours but it's a few people.
- 4 Q So excluding --
- 5 A But generally 'til 4:00.
- 6 Q 4:00 p.m.?
- 7 A 4:30.
- 8 Q Is that Monday to Friday?
- 9 A Monday to Friday.
- 10 Q Okay. Just so it will be easier, do the mechanics,  
11 helpers, yard men, fueler -- no fuelers, washers and cleaners,  
12 do they all generally work the same hours?
- 13 A No.
- 14 Q Okay. So let's take it a step at a time. Do all the  
15 mechanics generally work the same hours?
- 16 A Mechanics works the hours which is, you know, necessity to  
17 the business. We don't have a mechanic just to be there when  
18 we don't need them. We need them, winter, like this winter we  
19 need every morning to start the vehicles, you know, so my  
20 mechanics come 4:00 in the morning start the vehicles. I mean,  
21 I don't need them to come at 10:00, I need them to come 4:00 in  
22 the morning.
- 23 Q Okay.
- 24 A So there's necessity.
- 25 Q Okay. But what if it's -- so in the winter they come



1 at -- do all the mechanics report in at 4:00 in the morning in  
2 the winter?

3 A No, a few mechanic. Two, three mechanics.

4 Q Okay. And those two or three mechanics that report in at  
5 4:00 in the morning in the winter, what time do they work  
6 until?

7 A They work -- they work a few hours in the morning, then  
8 they go to do repairs.

9 Q Okay.

10 A And they work, you know.

11 Q Until what time? What time does a mechanic's day end?

12 A 3:00, 2:00.

13 Q Do all the mechanic's day ends (sic) around 2 or 3:00?

14 A Yeah.

15 Q Okay. Regardless of what location they're at?

16 A It's -- it's -- I cannot say this. You know, if it's  
17 inspector come inspections 'til 5:00, he'll stay 'til 5:00.

18 Q Sure. And --

19 A Yes.

20 Q -- if every bus in your fleet breaks down they would  
21 probably stay 'til 10:00; right?

22 A I don't know, probably.

23 Q But my question is generally their day ends around when?

24 A Yeah, if it's normal day they shouldn't be -- not be so  
25 long. Should be 4:00, 5:00.



- 1 Q Okay. And what are the hours again, generally, I know  
2 they may vary, what are the hours generally of the shop  
3 employee/helper? (s), plural.
- 4 A Repair shop?
- 5 Q The person we've been -- not the mechanics --
- 6 A Not mechanics.
- 7 Q -- the other shop employees?
- 8 A Shop employees the same. You know, shop employee stays  
9 from 9:00 to 3:00, 9:00 to 4:00.
- 10 Q 9:00 a.m. to 3:00 p.m. or 4:00 p.m.?
- 11 A Yeah.
- 12 Q And what are the hours again generally of the yards men?
- 13 A 6:00 in the morning 'til -- I have a few of them, so  
14 one -- if couple come in the morning and a few -- they -- plus  
15 it's a long day 'cause my day is 6:00 in the morning 'til 8:00  
16 evening.
- 17 Q Okay.
- 18 A So they --
- 19 Q So you have different shifts for yard men?
- 20 A Shifts. Yes.
- 21 Q Okay. And so what are your different shifts for your yard  
22 men?
- 23 A 6:00 to 3:00, 6:00 to 2:00 and 11:00 to 7:00.
- 24 Q 11:00 a.m. to 7:00 p.m.?
- 25 A Yeah.



- 1 Q Okay. Is that Monday to Friday?
- 2 A Yes.
- 3 Q Do all your employees again basically work Monday to
- 4 Friday?
- 5 A Yes. The employee who out doing the schools. Employee
- 6 who is not -- who is do charter, they can do Sundays.
- 7 Q Well, who does the charters? Is that the same drivers
- 8 that are doing the schools during the week?
- 9 A Yes.
- 10 Q And so if the driver's going to do a charter on a Sunday
- 11 where would they get the bus?
- 12 A From the yard.
- 13 Q From Douglaston?
- 14 A Yes.
- 15 Q How would they get into the yard?
- 16 A He -- they would give them the keys and then they would
- 17 take the yard -- they would take the bus.
- 18 Q So on the weekend charter is there a yard man there to
- 19 help them?
- 20 A A yard man can do the charter, too, yeah.
- 21 Q The yard man can drive the charter?
- 22 A Yeah. Yeah. Yeah, he can drive the charter.
- 23 Q Do yard men, in fact, drive charters?
- 24 A I think so.
- 25 Q Do you have a specific recollection in the last year of a



- 1 MR. POLLACK: Mini buses.
- 2 HEARING OFFICER STOLZBERG: Oh, mini.
- 3 MR. KOMSKY: Mini buses.
- 4 MR. MARINOVIC: M-I-N-I buses.
- 5 MR. POLLACK: Small. Small buses.
- 6 MR. KOMSKY: Mini ones.
- 7 HEARING OFFICER STOLZBERG: Many mini buses.
- 8 MR. KOMSKY: Mini. Mini.
- 9 MR. MARINOVIC: Sorry, mini.
- 10 HEARING OFFICER STOLZBERG: Continue.
- 11 BY MR. POLLACK:
- 12 Q Does Iridium have any big buses?
- 13 A Not that I know of.
- 14 Q Does Alina have any big buses?
- 15 A Not that I know of.
- 16 Q Does I & Y have any big buses?
- 17 A Not that I know of.
- 18 Q Okay. So you repair small buses?
- 19 A Right.
- 20 Q Where are you based out of? Where do you work out of?
- 21 A 80 Horace Harding Boulevard, Great Neck, New York.
- 22 Q And what type of facilities are at 80 Horace Harding
- 23 Boulevard?
- 24 A Auto Repair.
- 25 Q And are there repairs made there on any vehicles --



- 1 A Auto repair and fueling.
- 2 Q Okay. And is that for any vehicles other than Iridium,
- 3 I & Y, Alina or is it strictly for Iridium, I & Y and Alina
- 4 vehicles over there?
- 5 A I do Iridium, I & Y and Alina.
- 6 Q Okay. Are there any other companies whose vehicles are
- 7 repaired there?
- 8 A Yes, Northshore LIJ.
- 9 Q That's Northshore LIJ Hospital?
- 10 A Right.
- 11 Q And are there any other employees that work at the Horace
- 12 Harding Boulevard address?
- 13 A Yes.
- 14 Q What other employees, I don't need names, I'm talking --
- 15 A Three.
- 16 Q -- their titles.
- 17 A Three more.
- 18 Q What other classifications are there?
- 19 A A mechanic and a shop helper.
- 20 Q How many mechanics?
- 21 A Two.
- 22 Q So is it two plus you at --
- 23 A Right.
- 24 Q -- Great Neck and then there's a shop helper?
- 25 A Right.



- 1 Q Okay.
- 2 A She.
- 3 Q She. Female shop helper?
- 4 A Yeah.
- 5 Q Okay. Do you ever go to the Douglaston facility?
- 6 A Yeah.
- 7 Q How often do you go to the Douglaston facility?
- 8 A Every day.
- 9 Q And what do you go to the Douglaston facility for?
- 10 A One thing I go there, like in the winter I go there to get
- 11 the buses started in the very cold weather. And also I go
- 12 there almost every morning to help them out with the different
- 13 situations with the buses 'cause sometimes the buses may come
- 14 in late with a problem and it's too late to get to it. They
- 15 leave -- or early so the vehicle could be ready for 5:00 a.m.
- 16 in the morning.
- 17 Q Do you ever do any repair work at the Douglaston -- let m
- 18 start that over.
- 19 Do you ever do any repair work on vehicles while they're
- 20 at the Douglaston facility?
- 21 A Yes, I do.
- 22 Q What type of repair work would you do at the Douglaston
- 23 facility?
- 24 A Certain things like flat tires and light bulbs.
- 25 Q And how often do you actually do some repair work at



- 1 Douglaston?
- 2 A Daily.
- 3 Q Daily?
- 4 A Yeah.
- 5 Q When you're at the Douglaston facility do you ever
- 6 interact with the drivers?
- 7 A Daily. Definitely.
- 8 Q What type of interactions do you have with the drivers at
- 9 Douglaston
- 10 A Well, when I go there in the morning I help check out the
- 11 different buses, different things. And a lot of the drivers,
- 12 they give me information on, like something wrong with their
- 13 bus, maybe they need a bulb or they got an intermittent problem
- 14 they would like for us to look at.
- 15 Q And so how do the drivers tell you about these problems?
- 16 A They see me there. They all know me.
- 17 Q So they just walk to you --
- 18 A Yeah.
- 19 Q -- and tell you?
- 20 A That's right. The come to me.
- 21 MR. MARINOVIC: Objection, leading.
- 22 BY MR. POLLACK:
- 23 Q Do they ever fill out any forms or anything --
- 24 HEARING OFFICER STOLZBERG: Just -- Yeah, just a ruling on
- 25 that. Please rephrase your question.



1 MR. POLLACK: Thank you.

2 HEARING OFFICER STOLZBERG: You did but --

3 MR. POLLACK: It was late.

4 BY MR. POLLACK:

5 Q Are there any forms that the drivers have to fill out if  
6 there's a problem with a bus?

7 A Well, they do fill out a pre-trip information. And then  
8 sometimes I get a -- just handwritten paper from the drivers  
9 'cause a lot of the guys, they know me and they bring it to my  
10 attention of any type of problem. It's not always necessarily  
11 that pre-trip information. It could just be a regular piece of  
12 paper that they'll write on. And they'll even put it to my  
13 attention 'cause that's how well they know me.

14 Q Okay. Let me just take it one step at a time.

15 The pre-trip --

16 A Right.

17 Q -- if a driver writes something down on a pre-trip, is it  
18 an actual form or --

19 A Yes, an actual form.

20 Q -- or a report?

21 It's an actual report?

22 A Right.

23 Q So if the driver writes down something on the pre-trip  
24 form --

25 A Right.



- 1 Q -- there's a mechanical problem --
- 2 A Right.
- 3 Q -- will you actually see that actual form?
- 4 A Yes.
- 5 Q And how would -- do you get to see that actual form?
- 6 A The driver shows it to me.
- 7 Q Okay. And if it's just on a handwritten paper as opposed
- 8 to a pre-trip form --
- 9 A Right
- 10 Q -- formal form, do you see the handwritten paper?
- 11 A Right.
- 12 Q And how would you get that handwritten piece of paper?
- 13 A The driver gives it to me.
- 14 Q Okay. And --
- 15 A Then sometime it's verbal. Like, I'll take a piece of
- 16 paper out. The guy will tell me, "Hey, Kenny, come here, look
- 17 at this. I got this problem." I take a piece of paper out and
- 18 so I get bus number, such and such, I'll write it down, this
- 19 type of problem. Then I give it to Yuri and I tell Yuri, "This
- 20 bus, the driver told me he wants this checked."
- 21 Q Okay. And when the driver tells you he has a problem do
- 22 you ever ask the drivers questions --
- 23 A Sure.
- 24 Q -- about the problem?
- 25 A Sure.



1 Q Give me an example of that.

2 A Well, when did it start to happen, how often does it  
3 happen, has it ever happened before.

4 Q What other employees do you interact with at Douglaston?

5 A The yard -- the guys in the yard.

6 Q The yard men?

7 A Yeah. And the transportation guy, Yuri.

8 Q Okay. Yuri, the manager?

9 A Yeah, Yuri.

10 Q What type of interaction would you have with the yard men  
11 at Douglaston?

12 A Well, sometimes the yard guys, they'll give me information  
13 pertaining to a certain bus. Like they'll say, "This bus look  
14 like the tread depth on the tire is too low, so," you know,  
15 "order some tires or whatever." That's what I do. I write it  
16 down and I'll go and do it.

17 HEARING OFFICER STOLZBERG: Can we go off the record for  
18 one minute.

19 (Whereupon, a brief recess was taken.)

20 HEARING OFFICER STOLZBERG: Back on the record.

21 I apologize for the interruption. Please continue with  
22 your questioning, Mr. Pollack.

23 DIRECT EXAMINATION (continued)

24 BY MR. POLLACK:

25 Q Okay, 'cause we don't have a court reporter I can't get it



1 read back but I think we were talking about handwritten papers  
2 and papers that you might get from the drivers telling you what  
3 their problem was.

4 A Right, because I deal with the drivers on daily basis and  
5 a lot of time they will give me not just the pre-trip  
6 information, they may have something like a light bulb out or  
7 anything, and they will handwrite it or they'll tell me  
8 something else about various things wrong with it and I'll take  
9 it from there.

10 Q Do you ever -- do you ever go out on a road test or drive  
11 the bus with the driver present?

12 A Um-hmm.

13 Q Is that a "Yes"?

14 A Yes.

15 Q Under what circumstances?

16 A Well, they may bring the vehicle in and say they hear a  
17 noise or -- or the bus is stalling, so I go out for a ride with  
18 them. "Let's go." Either I'll drive it and they sit and tell  
19 me what it is or they'll drive and I sit and listen for what it  
20 is.

21 Q And how often does that happen?

22 A Every other day at least.

23 Q That you go on a road test with a driver?

24 A Yes.

25 Q Now, you said you basically work in the -- before we get



1 stuff.

2 Q Okay.

3 A Motor oil and all that stuff like there, 'cause matter of  
4 fact, I supply, you know, that stuff.

5 Q Do you ever see any drivers at -- in the Great Neck  
6 facility? Do drivers ever come up to Great Neck?

7 A Sure. All the time.

8 Q Under what circumstances do drivers come out to Great  
9 Neck?

10 A They come out -- they'll come up to Great Neck for repair,  
11 they get fuel, fuel their tanks, repair. Anything.

12 Q How often do drivers come to Great Neck?

13 A How often? I would say at least once a day.

14 Q And when --

15 A Different ones. You know, different bus numbers.

16 Q Right. When the drivers come up to Great Neck for repairs  
17 do you interact with them?

18 A Sure.

19 Q In what ways?

20 A Well, I shake their hand and everything. I'm very  
21 friendly with them, they're very friendly with and they always  
22 say you're the one guy that gets the job done.

23 Q And do you have conversations with them about what needs  
24 to be -- you know, how do you know what needs to be done to the  
25 bus?



1 A 'Cause they tell me. That stuff come through to us in  
2 different ways. The driver may come -- for instance, Yuri may  
3 send the driver if it's something that can come to us. Yuri  
4 may send the guy, say, "Go over to here," you know, "and let  
5 them check it out real quick." Maybe it's something we can do  
6 quick where they don't have to put the bus out of service  
7 because we're -- you know, we're just that close.

8 So they come in, they'll tell me or whatever and then I  
9 may drop them back off or the yard men may bring them. Maybe  
10 two buses will come together for that one bus and then if that  
11 bus come and I say, well, it's going to take longer, then they  
12 put them in the next bus and he's gone, you know.

13 Q And on the opposite side of the trip, do the drivers ever  
14 come to pick up the buses after a repair is done --

15 A Yes.

16 Q -- at Great Neck?

17 A Yes.

18 Q And do you ever contact the drivers while you're working  
19 on a bus, a particular bus, to talk to them about a problem?

20 A Yes.

21 Q And so in what circumstances would that be?

22 A Nextel.

23 Q Excuse me?

24 A Either Nextel or I'll call the base.

25 Q Why would you call the driver? Why --



1 A Because I may need more detail on what exactly happened.  
2 You know, if he say, oh, well I was coming off the highway and  
3 I heard a noise and I'm afraid to take the bus out, or he may  
4 come in and say, okay, I come off -- at my last stop the stop  
5 sign stopped working. Now, that's a violation to him so that  
6 bus supposed to be out. That's why I would call him and ask  
7 him, what happened? Which switch did you press, the switch up  
8 here? Did this happen? What happened?

9 Q Do you --

10 A Detail it to me.

11 Q I'm sorry.

12 A And then they will detail to me that information then I  
13 know which route to take.

14 Q Do drivers -- strike that.

15 Have drivers ever called you while they're out on the road  
16 for a question? For example, there's a warning light on my  
17 dashboard, what should I do?

18 A Yes.

19 Q And that's just an example.

20 A Yes.

21 Q And what type of circumstances does that occur?

22 A You mean while the driver's out with the vehicle on the  
23 road --

24 Q Yeah.

25 A -- right?



1 Q Yes.

2 A Well, depending on what light he says is on, you know,  
3 because if he tells me that the check engine light is on for  
4 instance, right, I would tell him, okay, if you don't see the  
5 temperature gauge running hot or the oil pressure gauge is low  
6 then you may continue, 'cause maybe you didn't tighten the gas  
7 cap enough. That's a common situation with the check engine  
8 light, especially on these new buses.

9 Q How often does it happen that a driver calls you while  
10 they're out on the road?

11 A Very often. Especially on the new buses because you've  
12 got the buses here where a lot of the buses that Igor and them  
13 have is -- is the thing is E-85.

14 Q What is E-85?

15 A E-85, ethanol 85.

16 Q Okay.

17 A So some of these buses here, where they take E-85 they run  
18 very differently when you put regular fuel in them. So I have  
19 received numerous calls about that, especially the 2010  
20 vehicles, stuff like that.

21 Q 2010, the brand new vehicles?

22 A Yeah, 2010's yeah.

23 Q And how often does it happen that you would reach out for  
24 a driver while you're in the midst of working on a repair?

25 A I would say maybe every other day on different situations,



1 'cause I have to get feedback on what took place, 'cause it  
2 might be there and then the problem's not happening. But then  
3 if the bus goes back out they've got another problem and it  
4 occurs again, you know, the same problem.

5 Q Do the yard men ever come to your -- do the yard men ever  
6 come to Great Neck?

7 A Yes. All the time.

8 Q And for what type of things?

9 A Drop off vehicles. And they also come and give me  
10 information. If it's something that they have written on the  
11 list and the yard man maybe saw like when the bus was leaving,  
12 maybe when the bus was leaving out the lot, they go up, they  
13 see one brake light out, you know, he may come and tell you,  
14 the brake light bulb on this bulb -- on this vehicle is out.

15 Q And when you are working at Douglaston do you have  
16 interactions with the yard men while you're at Douglaston?

17 A Yes.

18 Q And under what circumstances?

19 A Same terms. I help them with the buses. I help them, you  
20 know, if I'm there and they need to park a bus or whatever,  
21 I'll park it or whatever. Or they may see it, like, when the  
22 buses are coming back in and the yard man is working on doing  
23 the test, testing the stop sign, looking at all the flashing  
24 lights and all that stuff like that, I'll work with them  
25 pertaining to that.



1 Q Okay. How about cleaners; do bus cleaners ever come to  
2 Great Neck?

3 A No, we don't see the cleaners. Not too much.

4 Q How about bus washers; do they ever come to Great Neck?

5 A No.

6 Q When --

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 HEARING OFFICER STOLZBERG: I'm sorry, again, this is not  
9 an audience participation hearing.

10 UNIDENTIFIED SPEAKER: Sorry.

11 HEARING OFFICER STOLZBERG: Okay. This matter is between  
12 the two parties, the Union and the Employer. The counsel will  
13 be the only ones that make any sort of line of questioning or  
14 if you have any concerns you can raise it through counsel, if  
15 you like, or discuss with me at some other time. But please  
16 refrain from comments, thank you.

17 BY MR. PETERSON:

18 Q When you're at Douglaston do you have any interaction with  
19 the cleaners and -- or the washers?

20 A Yes.

21 Q And tell me about that.

22 A Well, the cleaners and the washers I have interaction  
23 because, for instance, sometimes I work sometime under certain  
24 conditions, like I do Sunday sometime 'cause if the yard man  
25 calls me, he lets me know one bus got a flat tire, this bus



1 gotta go out Monday morning, I got to come in Sunday and get  
2 this bus done. And a lot of times the buses are being washed  
3 on a Sunday so that's how I have interaction, with the guy  
4 that's doing the washing.

5 Q How about just in the morning on the Monday through Friday  
6 mornings?

7 A Yeah, I have interaction with them, you know, just in  
8 conversation.

9 Q Any interactions around, you know, getting the bus ready?

10 A Yeah, getting the bus ready and getting the bus out.

11 Q And tell me about the interactions you have with the --

12 A Like the cleaners may tell me, okay, come and check this,  
13 this is a problem here. The car seat, the seat -- there's  
14 something wrong with the seatbelt, it's not holding the car  
15 seat right.

16 Q Okay.

17 A Sure, then I go and help them out with that.

18 Q Okay. And how often does that happen?

19 A That happens frequently.

20 Q How about the washers; do you ever have similar  
21 interactions with the washers?

22 A Sure. All the time.

23 Q And what type of things might the washers tell you?

24 A Well, they'll come and show me something on the body or  
25 like one -- the bumper panels on the back, they'll show me



1 something like that which is a DOT, that they can't be off or  
2 his roof or something, because if a kid grabs it the kid could  
3 get hurt.

4 Q Okay. And how often does that happen that a washer points  
5 out something to you?

6 A Continuously. All the time.

7 Q Okay. Do you ever go out on road calls to vehicles that  
8 are broken down --

9 (Pause.)

10 I think I just asked you if you've gone on road calls --

11 A Yes.

12 Q -- to vehicles that have broken down?

13 A Yes. Yes, always.

14 Q Okay. When you go out on road calls is the driver of the  
15 vehicle there when you get there?

16 A That all depends on the situation 'cause I have  
17 experienced different road call by us. You know, the  
18 facilities are so close to the repair shop I've actually taken  
19 the -- one of the spare vehicles there to the driver.

20 Q Okay.

21 A Then see if I can get this other vehicle going and get and  
22 get it back by me being the mechanic.

23 Q And in that situation when you get out to the driver, do  
24 you have a discussion with the driver --

25 A Yes.



- 1 Q -- tell what the problem --
- 2 A Sure.
- 3 Q -- with the bus is?
- 4 A Sure. He tell me what took place. You know, okay.
- 5 Q And are there ever instances where you remember driving
- 6 the spare vehicle or the replacement vehicle out to the scene
- 7 of breakdown?
- 8 A Many times. Many times.
- 9 Q Okay. And on all instances do you have a discussion with
- 10 the driver about what the problem with the vehicle is?
- 11 A Yes.
- 12 Q What about times when you don't drive a spare vehicle out
- 13 there; how would you get there if you weren't driving a spare
- 14 vehicle?
- 15 A Then we would take another vehicle. Just a regular
- 16 vehicle.
- 17 Q And in those instances --
- 18 A A regular road service call vehicle.
- 19 Q In those instances would the driver be there when you got
- 20 to the location?
- 21 A No.
- 22 Q And if the driver was not there when you got to the
- 23 location would you -- how would you know what was wrong with
- 24 the vehicle?
- 25 A Because the office would be -- informed me there's a --



1 there's some type of problem and another vehicle had been taken  
2 to the driver by either a yard man or washer or whoever.

3 Another vehicle had went to there.

4 Q And in that situation if you had a problem, if you had a  
5 question about what was happening with the bus what would you  
6 do?

7 A Then I would speak to either the office or the personal  
8 individual that was driving the vehicle --

9 Q Okay.

10 A -- at the time that the problem happened. That it broke  
11 down.

12 Q And if you wanted to call that driver to find out -- you  
13 get to the breakdown and he's not there 'cause he's already  
14 left with the replacement vehicle, you wanted to talk to him,  
15 how would you go about talking to the driver?

16 A Nextel.

17 Q You could call the driver directly on your Nextel?

18 A Right.

19 Q And have you, in fact, done that?

20 A Yes, I did that at different times.

21 Q Have you ever been to the parking lot on West 15th Street  
22 in Coney Island?

23 A No, I haven't been there.

24 Q Do you ever work out of the Van Dam Street shop?

25 A No.



1 Q How far is the Great Neck shop from the Douglaston shop?

2 A About, I would say about a mile.

3 Q About a mile?

4 A Yeah. If it's that far.

5 (Pause.)

6 Q Do you ever call over to speak to any of the staff that  
7 works at the Van Dam Street location?

8 A Sure.

9 Q In what circumstances do you call and speak to them?

10 A I'll speak to Alex regarding certain things to see,  
11 because we, the Great Neck shop, we really do a lot of the fast  
12 things. We got to have fast turnaround, whereas Alex and  
13 Brooklyn, they more or less do the heavy work and the DOT  
14 stuff, which requires a lot of time.

15 So like if a bus were to break down near Alex, like today,  
16 Friday, you know, he's involved with a bigger job, then right  
17 away Yuri would have that bus brought back to Great Neck  
18 because we would turn that bus back around for Monday morning  
19 and Alex wouldn't be able to, you know, do that. So --

20 Q That's okay. When -- under what circumstances do you  
21 direct communicate with Alex?

22 A Excuse me?

23 Q What -- under what circumstances do you communicate  
24 directly with Alex?

25 A Under what circumstances? Under the ones I just told you.



1 The different ones pertaining to like we talk back and forth,  
2 he may tell me, okay -- he may call me and say, "Okay, Kenny,  
3 this is what I have. I have one vehicle here, it got to come  
4 to you," and vice-versa. If a vehicle come over there and  
5 overheated and blew a head gasket, and I say, "Alex," you know,  
6 "got to have -- it got to come over to you now."

7 Q How often do you talk to Alex?

8 A I talk to Alex almost every other day.

9 Q Do you talk to any of the other staff that are at the Van  
10 Dam Street?

11 A No, I always speak to Alex.

12 Q Okay. And does Alex ever come over to your shop? Great  
13 Neck?

14 A Yeah, sometime he's over that way. When he come over by  
15 the office in Douglaston, a lot of times he'll come over to the  
16 other shop there.

17 Q Okay. All -- are there any supplies or parts or anything  
18 that you use on a regular basis in Great Neck that's kept at  
19 Van Dam Street?

20 A No.

21 Q Anything that you use on a regular basis that's --  
22 actually, you already answered that so I withdraw that  
23 question.

24 Are there any parts or supplies that the Van Dam Street  
25 people have to come over to Great Neck to get?



- 1 A So if I go out --
- 2 Q -- that you go to Douglaston --
- 3 A Right.
- 4 Q -- and except for the time that you go out on a road call?
- 5 A Right.
- 6 Q Okay.
- 7 A Exactly.
- 8 Q And so much how much time would you spend doing a road
- 9 call?
- 10 A Depends where the road call is.
- 11 Q Do you get road calls every day?
- 12 A Yes.
- 13 Q Do you go out on the road calls every day?
- 14 A Yes, I go out or one of the other guys go out.
- 15 Q No, you sir, I'm not asking --
- 16 A Me? Yes, I go out.
- 17 Q Do you go out on a road call every day?
- 18 A Yes, every day I go out on a road call.
- 19 Q So this week, today's Friday, you went on four road calls
- 20 this past week?
- 21 A Yes.
- 22 Q Monday, Tuesday, Wednesday, Thursday?
- 23 A And this morning.
- 24 Q And this morning?
- 25 A Yes. So I did five.



1 We -- the bus come in, you got a problem -- they may know how  
2 to do it but the other guy may be better in tracking the  
3 problems in electrical system because that guy's actually  
4 better. The opposite guy is better at mechanical.

5 Q Okay.

6 A And then the other guys is better with the computer, you  
7 know, with all the different sensors, how -- getting to --  
8 narrowing down the problem why the check engine light is on.  
9 Something like that.

10 Q And you testified earlier that you make assignments;  
11 correct? You remember that testimony?

12 A Um-hmm.

13 Q Do you remember the testimony that you --

14 A Right.

15 Q -- give assignments?

16 A Right.

17 Q So do you make that determination --

18 A Right.

19 Q -- if the problem is mechanical you may give it to one  
20 person, as opposed to electronic, you would give --

21 A Exactly.

22 Q -- it to another?

23 A Right.

24 Q Okay. What -- how much do you earn per hour?

25 A How much do I earn per hour?



BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

IRIDIUM SERVICES CORP., I&Y  
TRANSIT CORP., ALINA SERVICES  
CORP., A SINGLE EMPLOYER,

Employer,

And

LOCAL 1181-1061, AMALGAMATED  
TRANSIT UNION, AFL-CIO,

Petitioner.

Case No. 29-RC-12021

The above-entitled matter came on for hearing pursuant to Notice, before **DAVID STOLZBERG**, Hearing Officer, at Two Metro Tech Center, 100 Myrtle Avenue, Brooklyn, New York, 11201-4201, in Hearing Room 3, on Wednesday, March 6, 2011, at 9:30 a.m.

BURKE COURT REPORTING, LLC  
1044 Route 23 North, Suite 316  
Wayne, New Jersey 07470  
(973) 692-0660



1 Q Why do you go -- strike that. Do you work Monday through  
2 Friday?

3 A Monday, Friday.

4 Q Do you work Saturdays and Sundays?

5 A No.

6 Q What are your job duties? What do you do?

7 A I am examining old buses. I also examine old buses when  
8 they come back in the evening, after the shift, if they are in  
9 good condition or not. The drivers are telling me we have to  
10 fix this, we have to fix that. And then I am sending them to  
11 the repair shop.

12 MS. OCHS: Excuse me, Mr. Hearing Officer. Can you please  
13 instruct the interpreter that I need to hear him clearly. He  
14 needs to sit up.

15 **(Simultaneous speech.)**

16 HEARING OFFICER STOLZBERG: Okay. Thank you, Andre (ph.).

17 BY MR. POLLACK:

18 Q Okay. So what else besides examine the buses and the  
19 drivers tell you what needs repair, what else do you do?

20 MS. OCHS: I'm going to object to that question. I don't  
21 think that was his answer. And I'd move to read it back. The  
22 drivers tell him what needs repair.

23 HEARING OFFICER STOLZBERG: Piuter, can you please  
24 describe again what communication the drivers give to you with  
25 regard to the buses?



1 MS. OCHS: No, whether, what is -- start over with him  
2 speaking clearly about what he does.

3 HEARING OFFICER STOLZBERG: Okay. Mr. Pollack, please  
4 rephrase your question.

5 BY MR. POLLACK:

6 Q You said you examine buses, right?

7 A Yes.

8 Q What do you mean by examine the buses?

9 A Complete examination, what is to be repaired, what is not  
10 working, cleaning the bus.

11 Q And when do you do this examination of the bus?

12 A When they come back to the garage in the evening from 3:00  
13 to 6:00.

14 Q Are the drivers there on the bus while you are doing this  
15 examination?

16 MS. OCHS: Objection. Leading.

17 HEARING OFFICER STOLZBERG: Please rephrase your question.  
18 I agree.

19 MR. POLLACK: Leading questions are allowed in this  
20 hearing.

21 HEARING OFFICER STOLZBERG: Not on direct.

22 BY MR. POLLACK:

23 Q Where are the drivers when you are doing these  
24 examinations?

25 A They come and they are bringing the bus and I am doing the



1 examination myself, I bring the bus to the garage.

2 MS. OCHS: Can he restate that answer, please?

3 HEARING OFFICER STOLZBERG: Yes, Andre, can you please  
4 restate it?

5 MS. OCHS: You need to start out clear.

6 THE INTERPRETER: They are not there when I am examining  
7 the bus. I am examining myself and I send the bus to the  
8 garage.

9 BY MR. POLLACK:

10 Q So do you drive the bus, too, to the -- do you do any  
11 driving of the bus in the yard?

12 A Sometimes, I do it, myself. When they cannot do it, I do  
13 it myself.

14 Q When they cannot do what?

15 A If they cannot park because the yards were narrow.

16 Q So sometimes you park the bus for the drivers?

17 A Yes.

18 Q And how would you know whether you are going to park the  
19 bus or whether or not the driver is going to park the bus?

20 A They come to me, themselves, and they tell me please park  
21 the bus.

22 Q And if they are going to park the bus, if the driver is  
23 going to park the bus, how do they know where to park the bus?

24 A I am standing there. There are cleaners who are working  
25 in the yard. They are helping them to place the bus.



1 Q So the cleaners are helping, know where to park the bus?

2 A Yes.

3 Q Okay. So now we have that you examine the bus when they  
4 come in, in the afternoon. And we have that sometimes you park  
5 the bus. Right?

6 A Yes.

7 Q Now if the drivers come to you and tell you they want you  
8 to park the bus, what will you do?

9 MS. OCHS: Objection. That wasn't his testimony.

10 HEARING OFFICER STOLZBERG: That was a hypothetical,  
11 right? What Mr. Pollack phrased was if the drivers, which is --  
12 can you restate the question and try not to lead the witness.

13 MR. POLLACK: I believe he said that the drivers will come  
14 to him and park, tell him to park the bus.

15 HEARING OFFICER STOLZBERG: Please restate the question.  
16 I misheard.

17 BY MR. POLLACK:

18 Q Do drivers sometimes come to you and tell you to park the  
19 bus?

20 A Yes, they tell me.

21 Q Okay. So when what happens?

22 A So they are telling that their bus should be cleaned. I  
23 call cleaners and they clean the bus.

24 Q Do you help park the bus?

25 A Sometimes they do it themselves. Sometimes do it. It's



1 different. It's different.

2 Q Let's take it another way. In the morning, what contact  
3 do you have? Do you speak with the drivers in the morning?

4 A Yeah, they are asking me the bus is ready. I am telling  
5 the bus is ready. And they leave.

6 Q What else besides they ask you if the bus is ready and you  
7 tell them the bus is ready?

8 A Nothing else.

9 Q Do you ever pull the bus out in the morning? Do you ever  
10 pull any buses out of parking spots?

11 A Yeah, I do it, myself. Because if I don't do it, they  
12 break the bus up. If I do it, myself --

13 Q So how often do you pull the buses out of the parking  
14 spots in the morning?

15 A Always every day.

16 Q And how many buses do you pull out of the parking spots?

17 A It depends, 20, 30.

18 Q In the morning, the drivers come into the yard. They ask  
19 you if the bus is ready. Right?

20 A Yes.

21 Q How do the buses, how do the drivers know -- strike that.  
22 How do the drivers get the key to their bus?

23 A There is a place where the keys are hanging on the wall  
24 and they take keys from there. Sometimes -- or I do it myself.

25 Q I'm sorry. I didn't hear that.



1 HEARING OFFICER STOLZBERG: Sometimes he hands the keys to  
2 the drivers? Or what does he do with the keys?

3 THE WITNESS: They hang in the entrance.

4 BY MR. POLLACK:

5 Q Do drivers use Nextel radios, two-way radios?

6 A Yes.

7 Q How do they get their two-way radios in the morning?

8 A They take the radios in the office.

9 Q Do you ever give them the radios?

10 A I give some of them. Some of them take them home.

11 Q How about do the drivers have to get any paperwork in the  
12 morning?

13 A They do. The application showing what is good with the  
14 bus, what is not good with the bus.

15 Q And any of that paperwork, can the drivers give it back to  
16 you -- the drivers hand you any paperwork?

17 A Yeah, they give it to me.

18 Q They are giving you what? What paperwork are they giving  
19 you?

20 A Pre-inspection.

21 Q Pre-inspection, okay. And do you give the driver any  
22 paperwork?

23 A No.

24 Q So now after they give you the pre-inspection paperwork,  
25 then do the drivers leave and go out with their buses?



- 1 A Yes.
- 2 Q So after the drivers have left and the drivers are out  
3 with their buses, now what do you do? What's the next thing you  
4 do during the day?
- 5 A I am staying in the yard.
- 6 Q Now I believe you said that you go to Van Dam a few times  
7 a day?
- 8 A Sometimes I. Sometimes my cleaners do that.
- 9 Q How often do you personally go to Van Dam Street?
- 10 A Almost every day.
- 11 Q Is it more than once a day?
- 12 A Yes.
- 13 MS. OCHS: Asked and answered on this.
- 14 BY MR. POLLACK:
- 15 Q Why? What are some of the things you go to Van Dam Street  
16 for?
- 17 A It is for inspection.
- 18 Q For inspection of what?
- 19 A (indiscernible).
- 20 Q Are you driving buses over there?
- 21 A Yes.
- 22 Q You are driving buses over there that are going to be  
23 inspected by the --
- 24 A Yes.
- 25 Q Now when you are at Van Dam, do you do any work at Van Dam



- 1 Q So the question I asked was how often do you go to the  
2 Great Neck facility?
- 3 A Five, six times.
- 4 Q Five, six times per what?
- 5 A A day.
- 6 Q What do you go to the Great Neck facility for?
- 7 A Some small work. Or tell the small work that is supposed  
8 to be done with the bus and bring the bus there, sometimes  
9 checking tires, oil change.
- 10 Q Once you drive the bus over to Great Neck, do you do any  
11 work at the Great Neck facility?
- 12 A No.
- 13 Q Then you just return back to Douglaston?
- 14 A Yes.
- 15 Q Would that be sometimes they give you a ride, sometimes  
16 you take a bus? Same thing with Van Dam?
- 17 THE INTERPRETER: Excuse me?
- 18 BY MR. POLLACK:
- 19 Q Sometimes you get a ride back from somebody to Douglaston?
- 20 A Yes.
- 21 Q And sometimes you drive a bus back?
- 22 A Yes.
- 23 Q And do you ever go to the yard on West 15th Street in  
24 Coney Island?
- 25 A If they have broken bus, I bring them another bus and pick



- 1 up the bus which is broken from them.
- 2 Q How often does that happen?
- 3 A It is not very often. Once in two weeks.
- 4 Q Now what time do the drivers start coming back to the yard
- 5 in the afternoon?
- 6 A About 3:00, 3:30.
- 7 Q So starting around 3:00, or whenever the drivers start
- 8 coming back to the bus, what's your job then once the drivers
- 9 start coming back to the yard?
- 10 A I make inspection, check buses. Cleaning. Washing. And
- 11 then we put it back in the yard.
- 12 Q Do you talk to the drivers at all when they come back in
- 13 the afternoon?
- 14 A Every day.
- 15 Q What do you talk to the drivers about?
- 16 A They are telling me what is not good, the bus has to be
- 17 cleaned or washed, something must be replaced, changed.
- 18 Q And do you ever ask them questions about what they are
- 19 telling you?
- 20 A No.
- 21 Q So what do you do when they tell you this? What do you do
- 22 with that information?
- 23 A I have a special book. I write it down in the book and
- 24 then send the bus for repair.
- 25 Q What do the drivers do with their keys in the afternoon



1 when they come back?

2 A A special place where they hang the keys.

3 Q If they park the bus -- strike that. If you park the bus,  
4 what does the driver do with the key?

5 A If I park the bus, I hang the key myself or give the key  
6 back to them and they hang it.

7 Q If you are going to park the bus, how are you going to get  
8 the key to the bus?

9 A The drivers, they come in with the keys.

10 Q They're going to give you the key?

11 A No. The keys are in the vehicle.

12 Q Do drivers ever give you the key to put back on the bus --  
13 strike that. Do drivers ever give you the key to put on the  
14 board and ask you to put the key on the board?

15 A Yes.

16 Q And what do drivers do with the Nextel radio?

17 A There is a special place for radio.

18 HEARING OFFICER STOLZBERG: Excuse me. Just a reminder to  
19 turn phones on silent. It is not necessary at this time to turn  
20 phones completely off because we don't have the digital  
21 recording system. But if we can just turn off the ringers, that  
22 would be helpful. Okay. No problem. Please continue, Mr.  
23 Pollack.

24 BY MR. POLLACK:

25 Q I'm sorry. I didn't hear the answer. What do the drivers



- 1 Q Every bus?
- 2 A Not all of them.
- 3 Q And are there any other yardmen that work at Douglaston?
- 4 A Yes.
- 5 Q Who are the other yardmen?
- 6 A Arnold (ph.). And cleaners, Nodari (ph.), and there is
- 7 another, but I don't know his name.
- 8 Q So Arnold is another yardman and Nodari is a cleaner?
- 9 A Yes.
- 10 Q And the other person who you don't know his name, what
- 11 position does he have?
- 12 A Same thing, cleaning, washing.
- 13 Q Arnold, the other yardman, are his duties the same as
- 14 yours?
- 15 A Yes.
- 16 Q The same thing. By the way, how much do you get paid? Do
- 17 you know how much you get paid per hour?
- 18 A You mean to me?
- 19 Q Yes. How much do you get paid?
- 20 A I don't know. I didn't count that. I receive weekly
- 21 salary.
- 22 Q How much do you get paid per week?
- 23 A \$600.
- 24 Q Do you know what the cleaners do?
- 25 A It depends. The car seats, sometimes he sees tear, car



- 1 seats, they fix it, cleaning, dusting.
- 2 Q What else? Anything else that the cleaners do?
- 3 A Help bring it, return it to, to drive to --
- 4 Q So sometimes the cleaners drive the buses to the other
- 5 facilities?
- 6 A Yeah, they do when I am busy.
- 7 Q Do you ever work with the car seats?
- 8 A Sometimes.
- 9 Q What do you do with the car seats?
- 10 A Set the seats.
- 11 Q What does that mean, set the seats?
- 12 A Put the seats on the place.
- 13 Q In the bus?
- 14 A Yes.
- 15 Q And does every bus have car seats?
- 16 A Yes.
- 17 Q What do the bus washers do?
- 18 A Cleaning, washing buses.
- 19 Q Do the bus washers was a certain part of the bus?
- 20 A The whole thing.
- 21 Q Do the bus washer wash the inside of the bus or just the
- 22 outside of the bus?
- 23 A Inside and outside.
- 24 Q Do bus washers ever drive the buses to the other
- 25 facilities?



- 1 A You mean to the shop?
- 2 Q To the other two facilities, Great Neck or Van Dam Street?
- 3 A No.
- 4 Q How many bus washers are there at Douglaston?
- 5 A Two.
- 6 Q And how many bus cleaners are there at Douglaston?
- 7 A The same two.
- 8 Q So the same two people?
- 9 A No.
- 10 Q So there are two bus washers and in addition there are two
- 11 bus cleaners?
- 12 A Yes.
- 13 Q So what's the difference between what a bus washer does
- 14 and what a bus cleaner does?
- 15 A The ones who are washing the bus inside, they are not
- 16 washing the bus outside.
- 17 Q Which is which?
- 18 A What was the question again?
- 19 Q Which one washes the inside and which one washes the
- 20 outside?
- 21 A Nodari, Arnold, Simpka (ph.), and Boris.
- 22 Q And do you know what their hours are, the washers and the
- 23 cleaners, what hours they work?
- 24 A No. They -- the whole day.
- 25 Q Are they there Monday to Friday?



- 1 A Yes.
- 2 Q How do the washers or cleaners know which buses to wash?
- 3 A When drivers come back, there is a special book. They
- 4 write down which bus is supposed to be cleaned. They have a
- 5 number.
- 6 Q They write down the number of the bus?
- 7 A Yes.
- 8 Q Who is your boss? Who tells you what to do?
- 9 A Sometimes drivers, sometimes Yuriy, sometimes Igor.
- 10 Q Drivers sometimes tell you what to do?
- 11 A Yes.
- 12 Q What do you mean? Give me some examples.
- 13 MS. OCHS: Can I just ask? I got a bunch of first names.
- 14 Can he repeat who tells him what to do with full names.
- 15 HEARING OFFICER STOLZBERG: With the drivers?
- 16 MS. OCHS: No, the beginning of the answer.
- 17 HEARING OFFICER STOLZBERG: If you can --
- 18 MS. OCHS: The answer to the question who tells him what
- 19 to do?
- 20 THE WITNESS: Yuriy and Igor.
- 21 HEARING OFFICER STOLZBERG: My understanding is Yuriy is
- 22 the assistant manager and Igor Komsky, sometimes Gary, correct,
- 23 in the transcript?
- 24 MR. POLLACK: Correct.
- 25 HEARING OFFICER STOLZBERG: Okay. So Igor or Gary,



1 counsel.

2 MR. POLLACK: This is Igor.

3 HEARING OFFICER STOLZBERG: This is Igor.

4 MR. POLLACK: Gary is Igor.

5 MS. OCHS: Gary is Igor.

6 HEARING OFFICER STOLZBERG: Yeah.

7 MS. OCHS: Okay.

8 BY MR. POLLACK:

9 Q Okay. So can you give me some examples of drivers telling  
10 you what to do?

11 A They bring the book. And the book they write whatever is  
12 supposed to be changed, the bulbs, tires, and then they bring  
13 the bus to the shop with cleaners.

14 **(Simultaneous speech.)**

15 HEARING OFFICER STOLZBERG: Okay, hold on a second. Just  
16 as for all purposes, only one person at each table is entitled  
17 to talk. At this time, it is the representative.

18 BY MR. POLLACK:

19 Q Do you ever drive any -- strike that. Are there ever more  
20 than one person in a vehicle when it's going from Douglaston  
21 over to Van Dam or to Great Neck?

22 A You mean to buses?

23 Q Yes. Is there ever -- strike that. when you are driving  
24 the vehicle to Van Dam Street, are there anybody with you, any  
25 other employees with you getting a ride over there?



- 1 A Yes. I drive cleaners and I drive cleaners and washes  
2 because the bus cannot pass the inspection if it is not clean.
- 3 Q So you drive the cleaners and the washers over to Van Dam  
4 Street?
- 5 A Yes.
- 6 Q Do you sometimes drive them to Great Neck also?
- 7 A Yes.
- 8 Q Do you ever drive a driver to either Van Dam or to Great  
9 Neck?
- 10 A Not always, sometimes.
- 11 Q How often?
- 12 A Two, three times, depends.
- 13 Q If you needed time off, who would you ask for some time  
14 off?
- 15 A I don't have any days off. On Saturday and Sunday.
- 16 Q So you have off on Saturday and Sunday?
- 17 A (indiscernible)
- 18 **(Pause.)**
- 19 BY MR. POLLACK:
- 20 Q Do you ever ride -- strike that. Is there a shuttle bus  
21 that the company provides for the employees to get to work?
- 22 A Yes.
- 23 Q Do you ever ride on that bus?
- 24 A No. I come there earlier than anybody else.
- 25 Q Do you wear a uniform?



- 1 A No.
- 2 Q Do you ever drive any -- do you know what a charter is?
- 3 A How is that?
- 4 Q Do you ever drive the bus when there's any passengers on
- 5 it?
- 6 A Yes.
- 7 Q Under what circumstances do you drive a bus when there's
- 8 passengers on it?
- 9 A You mean children?
- 10 Q Let's start with children. Do you ever drive a bus when
- 11 there's children on it?
- 12 A One time a month, two times a month, when drivers don't
- 13 make it.
- 14 MS. OCHS: When what?
- 15 THE INTERPRETER: Drivers don't make it.
- 16 BY MR. POLLACK:
- 17 Q Do you ever drive a bus with adults on it, passengers?
- 18 A Yes.
- 19 Q Any times other than if you are driving a washer or a
- 20 cleaner to the other facility?
- 21 A Yes.
- 22 Q Under what circumstances would you drive a bus with adult
- 23 passengers?
- 24 A Sometimes there is something to be changed in the bus, I
- 25 bring my helper with me.



1           HEARING OFFICER STOLZBERG: I'm not monitoring anything.  
2   Can we go off the record for a second?  
3   (Discussion off the record.)  
4           HEARING OFFICER STOLZBERG: On the record.  
5   BY MS. OCHS:  
6   Q     And what was the answer to that question?  
7   A     The question was the driver's license to drive a bus or  
8   something else, right?  
9           MR. POLLACK: Let's ask the question again, please.  
10          HEARING OFFICER STOLZBERG: Yes. Please restate the  
11   question.  
12   BY MS. OCHS:  
13   Q     You testified you have a CDL, correct?  
14   A     Yes.  
15   Q     Do you have any other licenses that permit you to drive a  
16   school bus?  
17   A     A CDL license.  
18   Q     Thank you. How long does it take you to drive from  
19   Douglaston to Great Neck?  
20   A     Two, three minutes.  
21   Q     Two or three minutes. Do you know the mileage between  
22   Douglaston and Great Neck?  
23   A     One mile, mile and a half.  
24   Q     What's the address in Douglaston?  
25   A     24537 60th Avenue.



1           HEARING OFFICER STOLZBERG: On the record.

2   BY MS. OCHS:

3   Q     You drive to Great Neck how many times a day?

4   A     Almost every day..

5   Q     And you drive to Long Island City several times a day?

6           MR. POLLACK: Objection. Objection. We haven't used that  
7 term Long Island City.

8           MS. OCHS: I'm sorry, Van Dam? I apologize.

9           HEARING OFFICER STOLZBERG: Right. The Van Dam location  
10 is in Long Island City, correct?

11          MR. POLLACK: Correct.

12          HEARING OFFICER STOLZBERG: So the Van Dam location.

13          THE WITNESS: Van Dam, I go there three times a week, two  
14 time inspection and once on repair.

15   BY MS. OCHS:

16   Q     And who else drives buses over to those locations to be  
17 inspected or repaired?

18   A     Sometimes drivers will have free -- and they can go with  
19 me or sometimes I do it myself.

20   Q     They go with you to do what?

21   A     Bring buses to inspection.

22   Q     Alone or with you?

23   A     We go together on the bus.

24   Q     And have you ever seen escorts going to those locations,  
25 to either Douglaston or Van Dam?



1           HEARING OFFICER STOLZBERG: I think there was distinct  
2 questions. My understanding of what he answered before was that  
3 he talks to drivers in total two to five minutes. And what Mr.  
4 Pollack just asked was each individual driver, how long did he  
5 talk to --

6           MR. POLLACK: And he just said two to five minutes.

7           HEARING OFFICER STOLZBERG: Please ask it again and let  
8 him answer again. I didn't hear that.

9 BY MR. POLLACK:

10 Q       How long in the morning do you spend talking to each  
11 particular driver?

12 A       Two to five minutes.

13 Q       And approximately how many drivers do you talk to in the  
14 morning?

15 A       Almost all of them.

16 Q       And approximate how many drivers do you spend -- strike  
17 that. Approximately how long do you spend talking to each  
18 particular driver in the afternoon?

19 A       About the same time. They come in. They tell me what to  
20 do with the car --

21 Q       Did you say car?

22 A       The mini bus.

23 Q       And how many drivers do you talk to in the afternoon about  
24 what they want you to do with the bus?

25 A       All of them.



- 1 A Seven, eight years.
- 2 Q And what's your position?
- 3 A I am a mechanic.
- 4 Q What other employees -- strike that. Are there other
- 5 employees that work at the Van Dam Street location?
- 6 A There are two more mechanics there.
- 7 Q Is that it, just the three mechanics?
- 8 A Just three.
- 9 Q As a mechanics, just tell me briefly what your
- 10 responsibilities are.
- 11 A My responsibility as a mechanic is to make sure the buses
- 12 in condition to be on route. We do prevent (sic) maintenance.
- 13 We do heavy job like change engines, rear ends, front ends, you
- 14 know, all kind of job, you know, to buses.
- 15 Q That for school buses.
- 16 A Yeah. And also, yeah, we do on school buses and also we
- 17 do DOT inspections.
- 18 Q When you say you do DOT inspections, what do you mean?
- 19 A We no do it, prepare the buses for the DOT inspections.
- 20 Q Who actually performs the DOT inspections?
- 21 A DOT inspector.
- 22 Q In addition to you and the two other mechanics, is there a
- 23 shop employee at Van Dam?
- 24 A Maybe. But I just work for the company. I do my job.
- 25 HEARING OFFICER STOLZBERG: Just to clarify. Mr.



1 Krasilovskiy, do any other employees of Alina, Iridium, or --

2 THE WITNESS: Yes, two more mechanics.

3 HEARING OFFICER STOLZBERG: Other than the mechanics, are  
4 there any other employees that work there?

5 THE WITNESS: There is one more, the shop worker.

6 HEARING OFFICER STOLZBERG: A shop worker?

7 THE WITNESS: Yes.

8 HEARING OFFICER STOLZBERG: Okay.

9 BY MR. POLLACK:

10 Q What is the shop worker's name?

11 A Tatiana.

12 Q Tatiana?

13 A Yes.

14 Q Is that a female?

15 A Yeah, a female worker.

16 Q Can you describe the physical, the building at Van Dam  
17 Street?

18 A The building. There are two entrances there. There is a  
19 parking lot. The building like 5,000 square feet.

20 Q Are there bays like where you drive the bus in to fix the  
21 bus?

22 A Yeah, there is five bases (sic).

23 Q Bays?

24 A Huh?

25 Q There are five bays?



1 Q How would you call the drivers?

2 A I have a list of the phones, you know, contact phones, or  
3 I have office numbers, so I spoke to them and tell them.

4 Q Excuse me. When the drivers bring the buses over to Van  
5 Dam Street for repairs, do you ever talk to the drivers?

6 A Always.

7 Q And what do you talk about?

8 A The driver, usually, the driver telling me the problems  
9 because they come, Bus 7, the problem, I discuss with him what's  
10 happening, what kind of noises bus have, because you know it's  
11 very helpful to me, you know. I always talk to them. It's like  
12 a part of the job, you know.

13 Q Do you ever have to call the drivers during the day while  
14 you're working on the bus?

15 A Yes.

16 Q How do you do that?

17 A Sometime, I call the driver and if I cannot determine the  
18 right problem, so I ask him again so what's happening, you know.  
19 It helps me, you know, it helps me a lot.

20 Q And how often does it happen that you contact the drivers  
21 during the day?

22 A Usually, it's happening like when the driver came and he  
23 tell me the story, and this and that. So usually it's enough.  
24 But, you know, sometimes it isn't, you know.

25 Q And do you ever talk to the drivers when they come back to



- 1 pick up the bus?
- 2 A Yes. Ask me how the bus, you know, if it's okay kind of  
3 questions, simple.
- 4 Q Do you ever go out on road tests in the bus with the  
5 driver?
- 6 A Yeah.
- 7 Q Why would you do that?
- 8 A Because I go if they ask me to, you know. Usually, we  
9 check ourselves, we go, you know, before we give because safety  
10 is our goal, you know, then we check the buses. And if a driver  
11 asking me to go with him, so I go with him.
- 12 Q How often does that happen that a driver asks you go to  
13 with him?
- 14 A I wouldn't say it's often.
- 15 Q The drivers that bring the buses over to Van Dam, do you  
16 know if they -- strike that. Do you know what a regular driver  
17 is versus a spare driver?
- 18 A I don't really have to know this.
- 19 Q Okay. So you don't. The drivers that bring the buses  
20 over to Van Dam, do you know if they have assigned routes that  
21 they usually drive?
- 22 A No, I don't know about this.
- 23 Q Okay. Do you ever see any escorts, bus escorts at Van Dam  
24 Street?
- 25 A Yeah, they usually, they come with them, like a matron.



- 1 Q Where does Igor generally work?
- 2 A I think he's Douglaston. I don't know.
- 3 Q How often do you go to the building where Igor's office
- 4 is?
- 5 A Not often. I don't go there.
- 6 Q How do you get your paycheck?
- 7 A They bring it to me.
- 8 Q Do you know how much you are paid?
- 9 A Yes.
- 10 Q How much are you paid?
- 11 A About \$12 and some change.
- 12 Q Per hour?
- 13 A Per hour.
- 14 Q Does anybody besides the drivers ever bring the buses to
- 15 Van Dam?
- 16 A Besides the drivers, no.
- 17 Q Does Piuter, the yard man, does he ever drive buses over
- 18 there?
- 19 A Yeah, Piuter, yes.
- 20 Q And do any cleaners or washers ever drive the bus over to
- 21 Van Dam?
- 22 MS. OCHS: Objection. I think this is leading.
- 23 THE WITNESS: They come, they come --
- 24 MS. OCHS: I'm going to object. He answered that no other
- 25 drivers bring the buses.



1 A Sometimes.

2 Q Sometimes you didn't have to go get the bus out of the  
3 parking spot, correct?

4 A No, no, no. I think that there is a misunderstanding  
5 here. What happened is they have a parking problem with space.  
6 We got in the last year because previously I was the last one  
7 who arrived to the parking lot. In the last year, I sometimes  
8 went to classes because I think that they have problems with the  
9 school that they have to move the cars. Because the parking lot  
10 was from the school.

11 Q So I'm going to ask my question again. In the morning  
12 when you got there, every single day that you worked for Iridium  
13 or Alina, did you go and get your bus out of a parking spot?

14 THE INTERPRETER: I'm sorry?

15 BY MR. POLLACK:

16 Q Did you go get the bus out of its parking spot?

17 A Rarely.

18 Q So where would the bus be if you didn't go to the parking  
19 spot, where would you get the bus?

20 A From the yard.

21 Q Where in the yard?

22 A The same yard.

23 Q Was it a particular parking spot?

24 A I don't know. Because sometimes they move the car. There  
25 were two areas. The right area, the left area. Usually, they



- 1 A No. I don't know.
- 2 Q In the morning, when you were working, in the morning did  
3 you ever, when you go there, did you have to get your vehicle  
4 keys?
- 5 A As I said before and I repeat again, I kept the keys.
- 6 Q You kept the keys to your bus?
- 7 A Yes, my bus. Yes.
- 8 Q Did you ever have to get the Nextel radio in the morning  
9 when you got to work?
- 10 A I kept the radio until Friday. Friday, I gave back.
- 11 Q Who did you give it back to?
- 12 A I left in a room.
- 13 Q Did you ever get any paperwork in the morning before you  
14 took your bus out?
- 15 A Usually, there is a list with drivers. You have to sign  
16 in. Where there was a change in the route, meaning a new kid or  
17 a kid was no longer on the route or something it change like  
18 that, we would call over the cell phone and they were advise,  
19 and the piece of paper was on the wall. So we walk in, if the  
20 name was on the paper, I pick up the paper. And then go and  
21 give an argument with the administrator. That was it. That  
22 happens every day.
- 23 Q What administrator are you getting in an argument with?
- 24 A Yuriy.
- 25 Q You said in the morning you have to check your bus for



1 defects, see if there is anything wrong, and to make sure it's  
2 clean, right?

3 A When there was inspection, usually, I was advised before  
4 to -- the exit door and the brakes. Everything, every driver in  
5 every company have to do the same thing. And that's one of the  
6 things the driver is supposed to do.

7 Q And you did that every day, right? And did you ever find  
8 any problems?

9 A When I have -- in order to come to fix it.

10 Q You said Mr. Piuter and who?

11 A Mr. Bank.

12 MR. POLLACK: Just so the record is clear, can you ask him  
13 to spell that name that we keep, Mr. Bank?

14 THE INTERPRETER: He doesn't know.

15 BY MR. POLLACK:

16 Q It's Mr. Bank, B-A-N-K? Mr. Bank. Okay.

17 A His partner.

18 Q You're saying it's Igor's partner?

19 A That's what I was told. I don't know. I don't know if  
20 it's true.

21 Q Do you know a first name for Mr. Bank?

22 A No. He was never introduced.

23 Q So if you find a problem with the bus, you would tell Mr.  
24 Piuter or Mr. Bank.

25 A Yes.



- 1 A Five, Monday through Friday.
- 2 Q What time did you typically return the bus to the yard?
- 3 A It was around maybe 4:15 -- no, I used to finish around
- 4 4:15. 4:45, I used to arrive. Sometimes, if it was, if a child
- 5 was absent and I don't have to go to him, then I used to be
- 6 there around maybe around 4:30.
- 7 Q Did you have a regularly assigned route?
- 8 A Route? Um-hum.
- 9 Q Yes, right. And how did you get that route?
- 10 A How did I get that route? My route, it was another driver
- 11 but he left to another company. And I was hired to do that
- 12 route. So by the month of December, I trained by the previous
- 13 driver, I was trained by him to do that route. So I started in
- 14 January doing the route.
- 15 Q Is someone on the bus with you when you do the route?
- 16 A If somebody was in the bus with me?
- 17 Q Yes. Is anyone on the bus with you when you --
- 18 A Sure. It was the driver who was training me, myself, and
- 19 Liliana. She was the matron from the previous driver.
- 20 Q So why don't we back up and just explain for the record
- 21 what it is that the company does and what you do as a driver.
- 22 A Well, as a driver coming in, in the morning, doing my,
- 23 first of all, picking up my keys, if there was any changes of my
- 24 route, picking up my new schedule of the route.
- 25 Q Where do you pick up your keys?



1 A By the like a little office. There is a little office  
2 that we put the walkie-talkie on a desk. And when we come in,  
3 in the evening, we leave the walkie-talkie because they have to  
4 charge it. So they leave the walkie-talkie. We hang up the  
5 keys. And in the morning, we pick up the keys from the wall.  
6 We pick up the walkie-talkie from the desk. And if was any  
7 changes of route there was a wall like a plywood wall with a  
8 Post-It. And then you go in and you see or whoever was there  
9 will say that there's changes, pick up your new schedule, your  
10 new route.

11 Q Who are you talking to when you said pick up your new  
12 route?

13 A I usually used to see in the morning Piuter. Piuter was  
14 there and I think it's Edward. Edward. I really didn't have  
15 that much communication with them, because in the morning, just  
16 pick up the keys, pick up your walkie-talkie, pick up your  
17 route, and go and heat up your car because it was not on. And  
18 wait there like five, ten minute to heat up your car, and then  
19 just pull out and do your route. Oh, I have to go and fill up  
20 my tank, put in gas.

21 Q How long do you have the same route for? How often does  
22 the route change or do you always have the same route?

23 A The route doesn't change unless something happens maybe  
24 with parents or with the Board of Ed. I think must be something  
25 big that have to be changed. But if nothing is wrong with doing



1 your route, you just keep on doing your route, when I don't see  
2 that nobody changed your route.

3 Q Okay. And what is the job of the escort?

4 A Okay. Her duties are that she is with me in the bus.

5 Q Every day?

6 A Every day. She cleans the bus. When I was heating the  
7 bus, I used to clean the windows. And we wash it with cleaner  
8 inside. She has to sweep and clean the windows from the inside.  
9 Meanwhile, I'll clean it from the outside.

10 Q Did anyone else clean your bus?

11 A No.

12 HEARING OFFICER STOLZBERG: I'm sorry. At this time or at  
13 all?

14 THE WITNESS: At all.

15 MR. POLLACK: Objection. I mean how does she know?

16 HEARING OFFICER STOLZBERG: Right.

17 MS. OCHS: Well, in her daily routine.

18 HEARING OFFICER STOLZBERG: Okay. In her daily routine,  
19 okay. Thank you.

20 THE WITNESS: I was the only one who used to clean my bus.

21 BY MS. OCHS:

22 Q How often did you clean your bus?

23 A Every day. Every day. Because I had to clean my -- the  
24 drivers, they used to tell me you have to clean your windows  
25 because if the DOT, they see that the windows are not clean,



1 they're going to give you a ticket. So every day, Lilitana  
2 cleans the inside. We wanted to have it nice and clean. Plus,  
3 we clean the windows.

4 Q Do you know if other drivers clean their buses?

5 A Yes. I seen them in the morning. Most of the drivers,  
6 they cleaned up.

7 Q So how many hours a day are you -- you said your shift was  
8 6:20 and you got back at around --

9 A 4:30, 4:45.

10 Q And in that period of time, did you ever return to the  
11 yard?

12 A Maybe like three times because something it was wrong  
13 maybe with my stop, the stop sign, that it was not working. So  
14 I told Piuter, Piuter, my stop sign, it's not working. No, but  
15 it was with another bus. They were going to do the inspection  
16 for the bus, with my bus, the regular bus, the certified bus,  
17 the Number 5 bus. That was my usual bus. And then Edward, he  
18 told me, Mercedes, you're going to have to leave your bus for  
19 three days because we have to go for inspection. So they gave  
20 me an old bus. I think it was a 55 or 50. And then when I was  
21 driving on the expressway, suddenly the stop sign, he opened.  
22 He just flip up and down. So I got scared. And I went after my  
23 first drop, 9:00, I went back to the base and I told Piuter,  
24 Piuter, you have to fix that because it's dangerous, the stop  
25 sign coming out.



- 1 A Yes.
- 2 Q What do you look for when you are doing the inspection?
- 3 A I look for the signal lights are working, my school bus  
4 sign is working, my brakes that they are good, and most of I  
5 used to ask Lilliana to step outside and just look at the signal  
6 lights, meanwhile I just do it and let her tell me if they were  
7 working or not.
- 8 Q And did you ever have any problems with any of the buses  
9 that you discovered during an inspection?
- 10 A Yes.
- 11 Q And so what would you do if you discovered a problem with  
12 the bus?
- 13 A I used to go over to Piuter.
- 14 Q After you drop off your first -- strike that. After you  
15 drop off your last student of the midday, I think you said that  
16 was about what time?
- 17 A Around 11:20, finish around 11:30.
- 18 Q Is the escort required to stay with you at that point or  
19 is the escort allowed to leave?
- 20 A All depends. It was most of the time she used to stay  
21 with me. Or she didn't have money for lunch, so she said can  
22 you just drop me off by the house and I will have some lunch.  
23 And I used to wait for her.
- 24 Q And then how would you meet back up with her after lunch?
- 25 A She used to call me to my cell phone.



- 1 I used to ask Lilliana, Lilliana, did you do the attendance sheet.  
2 She used to say yes, or I didn't do the afternoon, so then I  
3 used to do it. But we always tried to do it together.
- 4 Q Does that attendance sheet have to be signed on a daily  
5 basis?
- 6 A No.
- 7 Q By either the driver or the escort?
- 8 A No. It's just like a regular attendance sheet that says  
9 the month and the date, and then you just have to put people  
10 present and an A for absent. And then we turn in at the end of  
11 the month.
- 12 Q Does the escort ever drive the bus?
- 13 A No.
- 14 Q Do you ever get off the bus to help the students either  
15 off the bus or on the bus?
- 16 A You can leave the bus unattended at no time.
- 17 Q The driver can't?
- 18 A No. The only way that I helped Lilliana, it was when I was  
19 at the school and the bus was parked, and because there were  
20 kids that I had to go and, and the teachers they were right  
21 there.
- 22 Q Do you pick up the kids from their actual homes?
- 23 A Yes.
- 24 Q So when you're picking up the kids, are you helping  
25 Lilliana put the kids in the seats and all?



- 1 A No. No.
- 2 Q Do you know if escorts are required to have a driver's  
3 license?
- 4 A No. They are not going to be driving.
- 5 Q Do you know if escorts are given drug tests by the  
6 company?
- 7 A Yes.
- 8 Q You do know?
- 9 A No, I know every person who has to work with the Board of  
10 Ed has to be checked by physical and drug test.
- 11 Q Do you know if the company gives drug tests to the yard  
12 men?
- 13 A That I know of, no. I don't know nothing about yard men.
- 14 Q Do you know if the company gives drug tests to mechanics?
- 15 A I don't know nothing about mechanics.
- 16 Q And do you know if the company gives drug tests to  
17 cleaners or washers?
- 18 A I was the washer and I was the cleaner, so I had a drug  
19 test, yes.
- 20 Q When were you the washer and the cleaner?
- 21 A Why? Because I had to clean the bus, the outside, and I  
22 had to, when Liliana was not there, I had to sweep and take out  
23 the garbage bag every day after my route.
- 24 Q But that's part of your responsibilities as a driver,  
25 right?



- 1 in the morning before you leave, before the bus pulls out? How  
2 much time are you there?
- 3 A Until Mercedes get there. I usually get there before her  
4 because the shuttle bus brings me from the bus stop.
- 5 Q Okay. The shuttle bus?
- 6 A Yes, from the company.
- 7 Q Okay.
- 8 A And I was there always early. And I wait for her or the  
9 driver before her. It was another driver. And I wait until the  
10 driver gets there. And we do the same thing every day.
- 11 Q So when the driver gets there, how much time are you still  
12 there in the facility?
- 13 A Five or ten minutes.
- 14 **(Pause.)**
- 15 BY MS. OCHS:
- 16 Q Ms. Galindo, I now want to ask you a few more questions  
17 about your job with the children. Could you describe for me  
18 your contact with the children?
- 19 A Yes. When we're coming to pick up the first kids, I say  
20 good morning to the parents. They give me the kid.
- 21 Q Where are you, are you on the bus or off the bus?
- 22 A In the bus. I never get off from the bus. They always  
23 bring the kids to me inside the bus.
- 24 Q Okay. Then what happens?
- 25 A I take the kid. I go and they're all car seats.



- 1 Q They're all what?
- 2 A The car seat.
- 3 Q Oh, yes, car seats.
- 4 A And I take him to the car seat and --
- 5 Q The parent gives you the car seats or are the car seats on
- 6 the bus?
- 7 A That is on the bus. I walk inside the bus with the kid.
- 8 I take the kid and I pull the seat belt, I pull it, I wrap --
- 9 HEARING OFFICER STOLZBERG: A strap or something?
- 10 BY MS. OCHS:
- 11 Q Did you say you take the child, you say you take the kid?
- 12 A Yes. I take it and I put the straps. And I put the
- 13 bookbag on the floor. And I make sure he is safe.
- 14 Q Do you know if anyone other than matrons or escorts do
- 15 that work for the company?
- 16 A No, only escort do that.
- 17 Q Can you tell me what your weekly wage rate is?
- 18 A I'm getting paid \$312.
- 19 Q \$312 a week?
- 20 A Yes, a week.
- 21 Q Do you have any bonuses that you get, any bonus pay?
- 22 A No.
- 23 Q Any other benefits?
- 24 A No.
- 25 Q Did you get any vacation pay?



1 Q Okay. And --

2 HEARING OFFICER STOLZBERG: I'm sorry, just to clarify,  
3 there are a couple of different courses. There's CPR. There's  
4 first aid. And then there was the safety course. Just clarify  
5 please what you need to do to get the Board of Ed certification  
6 or Board of Ed ID.

7 MS. OCHS: Okay.

8 BY MS. OCHS:

9 Q Ms. Galindo, in order to get the -- you took how many  
10 different classes did you take before you were able to work as  
11 an escort?

12 A I take the CPR, the first aid, and the matron.

13 Q Classes?

14 A Yeah.

15 Q And at that point, you get the DOE certification?

16 A When you get those course, you go to Board of Ed, and you  
17 show what you got, and they prove it to you. They give you the  
18 ID for Board of Education.

19 Q So is there anything else you had to show them before you  
20 got the approval?

21 A No.

22 Q Those three courses?

23 A Yes.

24 Q Did you have any background check?

25 A Oh, yes, they do it, Board of Ed do it.



- 1 A The 28th, March 28th.
- 2 Q Do you have a commercial driver's license?
- 3 A No.
- 4 Q Do you ever drive a school bus?
- 5 A No.
- 6 Q You talked about that you checked to see if you have the
- 7 things you need, for instance you said gloves and Bounty, I
- 8 believe you said, and bags. What if you check and you don't
- 9 have all that supplies, and you need some more supplies, what do
- 10 you do?
- 11 A I talk to Edward.
- 12 Q Do you ever ask Piuter for those supplies?
- 13 A No. To Edward.
- 14 Q What if Edward is not there that day?
- 15 A I ask Piuter.
- 16 Q I thought you just told me that you never ask Piuter.
- 17 A Piuter is always busy on the job, so I ask Edward.
- 18 Q So what is Piuter always busy doing?
- 19 A He's always doing something in the job.
- 20 Q Do you know what position Edward holds?
- 21 A I don't know.
- 22 Q But you have spoken to Edward, right?
- 23 A Yes.
- 24 Q Now before you said that you never, I think you said you
- 25 had never spoken to a mechanic, right?



- 1 A We only stay there for like 10 minutes and we go.
- 2 Q Okay. And then after you leave the yard, what do you do?
- 3 A I make sure I've got the supplies, and I clean the bus
- 4 inside, and she cleans the outside. And she checks the lights.
- 5 Q And then do you go and start picking up passengers, start
- 6 picking up students?
- 7 A Yes.
- 8 Q So tell me about the day, how that progresses.
- 9 A We pick up the kids. They give you a route, a route sheet
- 10 to her.
- 11 Q Route sheet?
- 12 A Yes.
- 13 Q Okay.
- 14 A And when we get there, the parents are there with the
- 15 kids. And I take the kid. I sit the kid. I pull the seat
- 16 belt. I put the bag on the floor. I make sure he's safe.
- 17 Q Where is the driver while you are doing all this?
- 18 A When I'm putting the kid, he stop, he's stopped. And she
- 19 told me are you ready. I say yes. And then we go.
- 20 Q The driver stays in the driver's seat?
- 21 A Yes.
- 22 Q Okay. So now you say you're ready, you go, and so now
- 23 where do you go?
- 24 A To the next kid.
- 25 Q How many stops do you have before you get to a school?



- 1 strike that, after the vehicle is filled up?
- 2 A So we have to pick up the other kids by 9:45.
- 3 Q And where are you picking up these kids at 9:45?
- 4 A First Meadow.
- 5 Q Are you picking them up at individual homes or are you
- 6 picking them up at a school at 9:45?
- 7 A Homes.
- 8 Q So you start again picking up one or two kids at a time?
- 9 A Yes.
- 10 Q And then you will go to several different stops and pick
- 11 up kids?
- 12 A Yes.
- 13 Q And in each of these stops, are you taking the kid and
- 14 putting him in the chair, and strapping him in, and make sure
- 15 everything is okay?
- 16 A Yes.
- 17 Q And you put his bookbag down and you make sure he is safe?
- 18 A Yes.
- 19 Q And the driver stays in the driver's seat?
- 20 A Yes.
- 21 Q Now how many kids do you pick up -- is this what's
- 22 referred to as a midday?
- 23 A Yes.
- 24 Q The 9:45 pickup?
- 25 A Yes.



- 1 Q How many kids get picked up in the midday?
- 2 A Ten.
- 3 Q Ten. And then you take them to a school?
- 4 A Yes.
- 5 Q And do all 10 of those kids get dropped off at one school?
- 6 A The midday?
- 7 Q Yeah.
- 8 A Yes.
- 9 Q Where is that school that they get dropped off at the
- 10 midday?
- 11 A It's Wood Haven.
- 12 Q Wood Haven. And what time approximately do you get to the
- 13 school on Wood Haven?
- 14 A 11:20.
- 15 Q And then once the kids are off at that school then you
- 16 have another empty bus, just you and the driver again?
- 17 A Yes.
- 18 Q And how long -- approximately what time is it when the
- 19 kids are all off the bus in Wood Haven?
- 20 A They take the kids 11:30.
- 21 Q At 11:30, what do you and the driver do?
- 22 A They start taking kids 11:30, and pretty much 11:35,
- 23 11:40.
- 24 Q And what do you do then?
- 25 A Then we have the break.



- 1 Q And I think you already testified that sometimes the  
2 driver will take you home and you'll have your lunch at home?
- 3 A Yes.
- 4 Q Okay. And when do you have to go back to -- strike that.  
5 What do you do after the break, do you have to go back and meet  
6 this driver again?
- 7 A Yes, I call her.
- 8 Q So you call the driver?
- 9 A Yes.
- 10 Q And what do you tell the driver?
- 11 A I'm ready to go to the other school.
- 12 Q And does the driver then pick you up at your house or do  
13 you meet the driver at a spot?
- 14 A I met the driver at a spot that's near the home.
- 15 Q Where do you meet the driver?
- 16 A Hillside Avenue.
- 17 Q Okay. What time do you meet the driver at Hillside?
- 18 A Like 1:30.
- 19 Q And then from when the driver picks you up at Hillside,  
20 where do you go?
- 21 A We go to the other school.
- 22 Q Which school? Is that the one on Wood Haven?
- 23 A No. We go the school that we went in the morning.
- 24 Q One of the three?
- 25 A Yes.



- 1 for the afternoon pickup?
- 2 A Two o'clock. Before 2:00. Five minutes to two o'clock.
- 3 Q And then do you pick up the kids at the one school, pick  
4 up the kids at the second school, pick up the kids at the third  
5 school?
- 6 A Yes.
- 7 Q And then you go and you proceed to drop them off at their  
8 respective drops?
- 9 A Yes.
- 10 Q And then what time does that last kid get dropped off?
- 11 A Four o'clock.
- 12 Q And then what time do you get off the bus?
- 13 A 4:05.
- 14 Q And where do you get off the bus?
- 15 A She leaves me on Hillside.
- 16 Q Is that the same place where you meet her after lunch?
- 17 A Yes.
- 18 Q You don't go back to the Douglaston yard?
- 19 A No.
- 20 Q Do you know if other escorts get off the bus before the  
21 bus goes back to the Douglaston yard?
- 22 A They all get out before they go back to Douglaston.
- 23 Q Do you know if some escorts, rather than meeting the  
24 driver in the Douglaston yard in the morning meet the driver at  
25 the first stop or enroute to the first stop in the morning?



- 1 Q What is your understanding of your title for Mr.  
2 Alishayev?
- 3 A He's manager and he's, I don't know, manager. He does  
4 direct the people, yeah.
- 5 Q Does anyone else direct the drivers and escorts other than  
6 yourself and Mr. Alishayev?
- 7 A No.
- 8 Q Do you have a commercial driver's license, sir?
- 9 A Yes, I do.
- 10 Q Do you have 19(a) certification?
- 11 A Yes, I do.
- 12 Q Can you explain to us what 19(a) certification involves,  
13 please?
- 14 A I did it 20 years ago. I don't really remember.
- 15 Q So you have no recollection of all what's involved in a  
16 19(a) certification?
- 17 A No.
- 18 Q You don't have to have any kind of refresher requirement  
19 for that?
- 20 A I do refresher.
- 21 Q And when was your last refresher, sir?
- 22 A Last time I did refresher? Two months ago.
- 23 Q What was the subject of that refresher?
- 24 A They refresh, you know, how to drive the bus, how to stop,  
25 how to go backwards, what should I do, what should I not to do,



- 1 what should I do if accident happened, you know --
- 2 Q And that -- I'm sorry, go ahead.
- 3 A They, you know, two times a day we have refreshments for
- 4 the drivers, as well as me and Yuriy.
- 5 Q Okay. So Yuriy is also 19(a) certified?
- 6 A Yeah.
- 7 Q Also CDL license?
- 8 A Yeah.
- 9 Q Now -- I'm sorry? Now do you have a CDL license with a
- 10 passenger endorsement?
- 11 A Yes.
- 12 Q So you can drive passengers including children on the bus?
- 13 A Yes.
- 14 Q Is the same true for Mr. Alishayev?
- 15 A Yes.
- 16 Q And all drivers that work for you must have this, is that
- 17 correct?
- 18 A Yes.
- 19 Q Are any of the mechanics required to have this?
- 20 A No.
- 21 Q Are any of the washers, yard people, cleaners required to
- 22 have this?
- 23 A Just licenses.
- 24 Q Just, well, let's break it down then. Do any drivers --
- 25 I'm sorry, withdrawn. Do any washers have to have a CDL license



- 1 A They are required to have a license.
- 2 Q A plain license?
- 3 A Yes.
- 4 Q Shop employees, are they required to have a CDL license?
- 5 A No.
- 6 Q Now in order to work as a driver for transporting children
- 7 for the New York City Board of Education, the drivers have to be
- 8 certified by the Department of Education, correct?
- 9 A That's correct.
- 10 Q And for escorts to be able work and assist children that
- 11 go to New York City public schools, they also must be certified
- 12 by the Department of Education, correct?
- 13 A Correct.
- 14 Q As part of the Department of Education certification,
- 15 drivers have to have a CDL license with a passenger endorsement,
- 16 correct?
- 17 A Correct.
- 18 Q They must pass a physical. Correct?
- 19 A Correct.
- 20 Q They must pass drug testing. Correct?
- 21 A When they start working?
- 22 Q Yes.
- 23 A I don't know.
- 24 Q Are they subject to random drug tests?
- 25 A Yes, they do.



1 Q So what about for people who don't move into another  
2 position, do you have currently cleaners that have passed a  
3 background check by the Department of Education?

4 A Do I have a cleaner who now become a driver and --

5 Q No, just a cleaner. Not anyone who has actually become a  
6 driver or an escort.

7 A But he become cleaner, he doesn't need.

8 Q Okay.

9 MR. POLLACK: Igor, can you take your hand away from your  
10 mouth? Thank you.

11 BY MR. MARINOVIC:

12 Q How about shop employees, are they required to undergo  
13 background checks?

14 A By me only.

15 Q By you. But that's not part of the Department of  
16 Education requirements?

17 A Not if they work only there, because they might have  
18 another position after. So they would again.

19 Q If they moved into one of those driver positions.

20 A If they move, become a matron or, you know, because like I  
21 said all my people, they all connect with each other, so they  
22 decide, they can ask me, oh, they would like, I would like to be  
23 a driver, I'm a washer now, but the driver make more money, can  
24 you help me to do that. I say no problem, you know. So  
25 basically the people moving from position to position.



1 the scene of accident. When the bus break down, they have to  
2 change the buses, bring the kids from bus to bus, you know, to  
3 help my employee.

4 Q But no mechanic has ever been disciplined for being rough  
5 with a child, have they?

6 A For being rough with a child, never.

7 Q How about washers, do washers have any responsibilities  
8 dealing with the children?

9 A Just to help sometimes, you know, to help from bus to bus,  
10 you know, like that.

11 Q They will transport children from one bus to another?

12 A Yes, they would.

13 Q Under what circumstances would they do that?

14 A Bus break down. We send the bus. And to help them, you  
15 know, I have buses with 20, 25 kids sometimes. I need help. I  
16 need two, three people send. I would send spare driver. I  
17 would send a yard man. I would send a washer. Three people to  
18 help change from bus to bus, 20, 25 people around.

19 Q But on an everyday basis, washers don't deal with  
20 children, correct?

21 A It's happened. The break down happen every other day.

22 Q Have washers dealt with children on an everyday basis?

23 A Every other day.

24 Q Every other day, they deal --

25 A When it happen, when there is a break down happen.



- 1 Q Have any mechanics, to your knowledge, actually  
2 substituted for drivers delivering children?
- 3 A I think so.
- 4 Q Can you name those people, please?
- 5 A It was a few years ago. I don't remember the names.
- 6 Q How about washers, have washers temporarily substituted  
7 for drivers delivering children?
- 8 A The washers, if they have a CDL license, they would, and  
9 the certification.
- 10 Q And have they in your experience actually done that?
- 11 A Yes, it was.
- 12 Q Can you please identify who that was?
- 13 A I had the washer who was a washer and he got the license,  
14 and he didn't have a route, and he still work as a washer, and  
15 he already was certified but we don't have work for him, was  
16 waiting to be routed. So I gave him chance to drive couple of  
17 routes. He was a washer and he drove couple of times, you know,  
18 starting to work as a driver.
- 19 Q When was that, sir?
- 20 A It was a few years ago.
- 21 Q A few years ago.
- 22 A Yeah.
- 23 Q Have yard people substituted on a temporary basis for  
24 drivers delivering children?
- 25 A Yes. Yes, they do.



- 1 Q And when has that happened?
- 2 A It happen all the time.
- 3 Q Yard people have CDL licenses with --
- 4 A Some of them, yes.
- 5 Q With passenger endorsement?
- 6 A Yes, they do.
- 7 Q So when you say all the time, has it happened this past
- 8 week?
- 9 A Yes, it did.
- 10 Q Can you identify which washers, I'm sorry, yard people
- 11 substituted for drivers?
- 12 A For the run, just the route, not the whole day but the
- 13 run. Piuter substitute for one run for somebody. I don't
- 14 remember the name, but he did this week substitute for somebody.
- 15 Q Piuter has a CDL license?
- 16 A Piuter has a CDL license.
- 17 Q He has 19(a) certification?
- 18 A Yes, he does.
- 19 Q And he has passenger, school bus endorsement?
- 20 A Yes, he does.
- 21 Q Okay. Have mechanics ever temporarily substituted for
- 22 escorts?
- 23 A I didn't remember that.
- 24 Q How about yard people, have they ever temporarily
- 25 substituted for escorts?



- 1 A Yes, they do.
- 2 Q And they have -- they are certified as escorts by the  
3 Department of Education?
- 4 A No, but I allow to have two drivers on the bus and in case  
5 of emergency to have the driver become like a matron, to help to  
6 be a matron.
- 7 Q And have you reported that? Do you have to report that to  
8 the Department of Education when you do that?
- 9 A No.
- 10 Q What was the name of the person that you permitted to deal  
11 with children who was a yard person?
- 12 A Piuter.
- 13 Q Piuter?
- 14 A Yeah. Arnold. Arnold, also. Arnold and Piuter. Arnold,  
15 by the way, he is approved to be a matron. He has a matron  
16 certification.
- 17 Q He has a matron certification?
- 18 A Yes, he does.
- 19 Q Okay. And I'm sorry, Arnold, what is his position?
- 20 A His position yard man.
- 21 Q He's a yard man.
- 22 A Yeah.
- 23 Q Does he need the certification to do any of the  
24 responsibilities as a yard man?
- 25 MR. POLLACK: Objection.



1 HEARING OFFICER STOLZBERG: What's the basis?

2 MR. POLLACK: His responsibilities. Apparently, his  
3 responsibilities are sometimes filling in as a driver.

4 HEARING OFFICER STOLZBERG: Okay. You can rephrase the  
5 question by saying doing your duties as a yard man in the yard,  
6 not on the bus.

7 MR. POLLACK: His day to day duties.

8 BY MR. MARINOVIC:

9 Q What are the main responsibilities for a yard man?

10 A When I hire a yard man like I have my people, I'd like to  
11 have more. I want them to be yard man but in case, because, you  
12 know, that's how I run my company. Some people run companies  
13 different ways. I'd like my driver have the matron  
14 certification and the driver if it's possible. So my drivers, a  
15 few of them, they have a matron certification and a driver. I  
16 have a yard man certification for the matron and the driver. So  
17 he can take different positions in the company because for  
18 needs, you know. Because at 5:00 in the morning, when I have  
19 eight spare matrons and maybe eight spare drivers, but sometimes  
20 I have not enough. So my yard people and my people who washes  
21 and people who are cleaners, they can go on the bus and become,  
22 you know, wherever there is position.

23 Q Okay. Other than the two people you identified as Piuter  
24 and Arnold, are there any other yard people who have  
25 certification?



- 1 A I would prefer, you know, I would encourage.
- 2 Q I understand you encourage. But do you actually have any
- 3 cleaners who have certifications by the Department of Education
- 4 to work as escorts?
- 5 A Yes.
- 6 Q And how many people do you have?
- 7 A I think two or three.
- 8 Q And what are their names, please.
- 9 A Cleaners, Boris.
- 10 Q Okay.
- 11 A Two other gentlemen. I don't remember their names.
- 12 Q Let me direct your attention now to these other locations
- 13 that we've heard some testimony about. Let's start with Van
- 14 Dam, Long Island City. Do you have any drivers that report to
- 15 that location?
- 16 A I believe so.
- 17 Q Well, do you know for certain?
- 18 A Yes.
- 19 Q How many drivers do you know?
- 20 A I think three.
- 21 Q Three, okay. So they report there on a daily basis, and
- 22 pull out, and do their runs from there.
- 23 A Yes.
- 24 Q And they report there in the evening as well?
- 25 A Yes.



- 1 Q Are there escorts that do the same?
- 2 A I don't believe so. I am not sure.
- 3 Q The two or three drivers that are there, do you know their  
4 names?
- 5 A No, I don't.
- 6 Q How do you know that there are two or three drivers that  
7 pull out of there?
- 8 A It's an arrangement to make because of in the morning  
9 difficult to get from Douglaston to Manhattan, so I put a few  
10 buses, different location. And this is one of my locations, you  
11 know, my yard, so I can get quicker to the stops.
- 12 Q Okay. And all of your buses have escorts on them,  
13 correct?
- 14 A Some of them has a few of them.
- 15 Q Some have more than one, correct?
- 16 A Yes.
- 17 Q The buses that leave from Van Dam, they would have escorts  
18 on them or would they pick up the escorts?
- 19 A It depends. I don't know. I don't involve in that, you  
20 know, it depends what better for the matron. They using the  
21 shuttle buses. Some of them using the cars. It depends from  
22 how they like it. I don't interfere in that. As long as they  
23 get together on time and they call us to bring the kids safe and  
24 sound, on time to the schools. And how they come to work, I  
25 don't really, you know. I bring them by shuttles. I have two



1 shuttles for driving the people. And I have a few cars who  
2 drive the people, the cars, drive all the cars. That's how my  
3 people, you know, the same washers and cleaners, they pick up  
4 the drivers and the matrons in the morning and bring them to  
5 Douglaston, because Douglaston is a place there is no  
6 transportation at all. So in the morning, it's just like in the  
7 morning there is no train there. There is only one bus comes  
8 there from somewhere. So I have so many people work in the  
9 morning to bring my people to the Douglaston yard, including the  
10 drivers, I mean the yards men and including the people who --  
11 the washers and the cleaners, they all bring people, the matrons  
12 and the drivers together.

13 Q Are there any shuttle buses that go to Van Dam?

14 A No, it's not.

15 Q The two or three drivers that report to Van Dam, I believe  
16 you said they have routes that would go to Manhattan, is that  
17 correct?

18 A I don't --

19 Q Located closer to that location, right?

20 A Yeah, yeah. Or maybe the drivers live there so it's  
21 easier for them. So I would make them to be there. It's still  
22 my yard. I still pay for that, so that's fine.

23 Q And presumably you would have two or three escorts on  
24 those buses or possibly more, is that right?

25 A That's correct.



- 1 one company?
- 2 A No, it's for the total three company.
- 3 Q I believe you testified on direct examination you have
- 4 about 78 drivers. Do you recall that testimony?
- 5 A That's what I said, 70, 10.
- 6 Q I believe you testified you had 78 drivers for Iridium.
- 7 A No, I mean three company.
- 8 Q Do you have 10 more drivers for Alina?
- 9 A When I say Iridium, because you connect this, the company
- 10 together, I mean Iridium like three company.
- 11 Q Okay. So do you have -- how many -- do you recall
- 12 testifying on direct examination last week that you had 10
- 13 drivers that worked for Alina?
- 14 A Yeah, Alina buses.
- 15 Q Okay. And do you recall testifying that you had 8 to 9
- 16 drivers working for I&Y?
- 17 A Yes.
- 18 Q Okay. So 8 and 9 for I&Y, and 10 for Alina; are they part
- 19 of the 78 that you were just testifying about?
- 20 A Yes.
- 21 Q So you don't have 78 separately for Iridium.
- 22 A No.
- 23 Q How many full-time escorts do you have?
- 24 A About the same.
- 25 Q Seventy full-time?



- 1 HEARING OFFICER STOLZBERG: All right. Please rephrase  
2 your question. I know we're going a long time. I promise it  
3 looks like we're going to finish tonight. We'll all be happy.  
4 Please, just rephrase your question.
- 5 BY MR. MARINOVIC:
- 6 Q Escorts earn \$7.95 to start?
- 7 A About. I don't know. Probably.
- 8 Q Is it a different amount?
- 9 A Yeah, it's about this amount.
- 10 Q No, no. Is there a different amount that they could start  
11 at?
- 12 A No. They have an amount they start.
- 13 Q So all escorts start at \$7.95?
- 14 A Yeah. \$7.85 or \$7.95, I don't remember.
- 15 Q Do you have anything that would help you to remember? Did  
16 you bring anything with you here that has any information on  
17 that?
- 18 A It's we -- you know, that they work eight hours and, you  
19 know, we pay them more than minimum wage, but always.
- 20 Q So how long do they stay at \$7.95?
- 21 A A year.
- 22 Q And then what do they go up to?
- 23 A They go up to five percent more.
- 24 Q Five percent more?
- 25 A Yes.



- 1 Q And how long do they stay at that new salary?
- 2 A A year usually.
- 3 Q And do they receive another increase after that?
- 4 A They can receive another increase during this period if
- 5 they do harder work or, you know, I like to give them little bit
- 6 more because they're doing a better job than everybody else.
- 7 Q So if I were an escort, I'd start at \$7.95. After one
- 8 year, would I automatically get five percent more or would it be
- 9 based on some judgment of you?
- 10 A No, it's automatic.
- 11 Q Automatic?
- 12 A Yeah.
- 13 Q And after another year, would there be any automatic
- 14 increase?
- 15 A Yes.
- 16 Q How much?
- 17 A Five percent.
- 18 Q Another five percent. And how long do you stay at that
- 19 salary?
- 20 A A year.
- 21 Q Another year. Is there an --
- 22 A In the same circumstances. There are circumstance which I
- 23 can increase before the year.
- 24 Q You would increase it more or before the year?
- 25 A Yeah, no, before the year.



1 A You asked me question before --

2 Q No.

3 HEARING OFFICER STOLZBERG: Hold on one second. I'll give

4 you a chance to explain the history in one moment. But, Mr.

5 Marinovic, please continue.

6 BY MR. MARINOVIC:

7 Q The starting salary for hourly rate that you pay for a

8 driver, is that \$12.25?

9 A Yeah, about.

10 Q Could it be less than that?

11 A I don't think so.

12 Q Are there drivers that make more than \$12.25?

13 A Yes.

14 Q And do they receive automatic increases every year?

15 MR. POLLACK: Objection. What's they? All the drivers or

16 just those are --

17 BY MR. MARINOVIC:

18 Q All the drivers. All the drivers that started at \$12.25,

19 or approximately that amount, after 1 year would they receive an

20 automatic increase?

21 A Not all the drivers start at \$12.45.

22 HEARING OFFICER STOLZBERG: I think this is a good time

23 for Mr. Komsky to explain himself with regard to history of

24 minimum wage.

25 THE WITNESS: Yeah. Five years ago, I didn't start with



1 If it's at the market, I tell them if you work my company and  
2 you do the right job, you perform, you know, this job in the way  
3 I like it, you will get five percent increase. But if somebody  
4 wouldn't, you know, if I don't like this person and I don't want  
5 him to work, you know, I didn't sign anything with them to I  
6 have to give them. But I give everybody who work for my  
7 company.

8 Q Okay. So the five percent, if they are doing the right  
9 job or they are performing well --

10 A If they performing well, in my opinion, yes.

11 Q In your opinion. And if they were performing well for  
12 another year, they would get another five percent or you would  
13 give them more?

14 A At least they would get five percent. They could get more  
15 if I like how they do this job. They do better job for my  
16 company than the other, compared to other drivers.

17 Q Okay. You testified that the yard men make \$10 an hour.  
18 Is that also a starting wage?

19 A Yard men make, I don't remember, \$9, \$10, you know, I  
20 don't remember. I don't have a big amount of yard men, you  
21 know. It's few. So I don't remember that. \$9 or \$10, or  
22 \$8.80, probably like that.

23 Q I'm sorry. Let's go back to the drivers for just a  
24 moment. I forgot to ask you is there -- if the drivers earn to  
25 start \$12.25, is there a limit on how much a driver could earn?



1 A No. No, not correct. It was issued for all my employee,  
2 because it's not just driver and escorts get holiday pay. It's  
3 also the different kind of employee, the yard people and the  
4 washers, the cleaners, the dispatchers, they all get holiday  
5 pay.

6 Q All of your employees get these holidays.

7 A They get another memo like that, you know, to their  
8 regards. This is we put to the checks. We have checks, you  
9 know, divided, so they put these to the checks of the people  
10 here and we put out the same kind of things to the people, to  
11 the checks their positions.

12 Q But copies of this document was provided to drivers and  
13 escorts, is that correct?

14 A As a sample.

15 Q I'm sorry?

16 A As a sample?

17 Q As assembled?

18 A It's sample, you know.

19 MR. POLLACK: Sample.

20 BY MR. MARINOVIC:

21 Q As a sample?

22 A Sample, yeah.

23 Q I'm sorry, as a sample.

24 A Yeah. It's not limited to him and others, you know.

25 Q I'm not saying that it's limited, sir. I'm just asking



1 HEARING OFFICER STOLZBERG: 5(a) and 5(b), correct?

2 MR. MARINOVIC: Yes, please.

3 **(Petitioner Exhibit 5(a) and (b) marked for identification.)**

4 HEARING OFFICER STOLZBERG: Okay. Driver is 5(a), New  
5 York City.gov. And this attendant information will be 5(b).  
6 Any objection, Mr. Pollack?

7 MR. POLLACK: No.

8 HEARING OFFICER STOLZBERG: Okay. Petitioner Exhibit 5(a)  
9 is received. Petitioner Exhibit 5(b) is received.  
10 **(Petitioner Exhibit 5(a) and (b) received into evidence.)**

11 MR. MARINOVIC: We have nothing further subject to  
12 recross.

13 HEARING OFFICER STOLZBERG: Okay. Mr. Pollack, anything  
14 on redirect?

15 **REDIRECT EXAMINATION**

16 BY MR. POLLACK:

17 Q Mr. Komsky, before, a couple of hours ago, Mr. Marinovic  
18 was asking you about the requirements for the various positions.  
19 Are escorts required to have a commercial driver's license?

20 A No.

21 Q In fact, are escorts required to have any driver's  
22 license?

23 A No.

24 Q Are there any other employees that you hire -- strike  
25 that. With regard to the yard men, the bus washers, the bus



- 1 Q Do any of them get less than five percent?
- 2 A I'll give them five percent.
- 3 Q And if a mechanic is not doing the right job, what's going
- 4 to happen to the mechanic?
- 5 A They're not going to work with me.
- 6 Q And same question for a driver. If a driver is not doing
- 7 the right job, what's going to happen to the driver?
- 8 A They're not going to work with me.
- 9 Q And an escort?
- 10 A The same way, not going to work.
- 11 Q Mr. Marinovic asked you how many escorts -- strike that,
- 12 how many years of service on average the majority of your escort
- 13 had and you said less than two years. Was that answer based on
- 14 fact?
- 15 A It was based I added number of routes this year, so I
- 16 assume I have a new employee.
- 17 Q Do you actually have any idea how many, what your
- 18 seniority of your drivers are?
- 19 A No, I don't know this.
- 20 Q Do you have any idea of what the seniority of your escorts
- 21 are?
- 22 A No, I don't.
- 23 Q Do all your employees get the same number of paid
- 24 holidays?
- 25 A Yes.



- 1 Q Do all your employees get the same paid holidays?
- 2 A They all?
- 3 Q If you can look at Petitioner Exhibit 1, please. Sir, if
- 4 you look at Petitioner 1 that lists five holidays, correct?
- 5 A Right.
- 6 Q New Year's Day, Memorial Day, July 4th, Thanksgiving Day,
- 7 and Christmas Day.
- 8 A Yes.
- 9 Q Do all the drivers get those same five holidays -- strike
- 10 that. Do all the employees get those same five holidays?
- 11 A Yes.
- 12 Q Are there any employees who get more than those five
- 13 holidays?
- 14 A No.
- 15 Q Are there any employees who get less than those five
- 16 holidays?
- 17 A No.
- 18 Q Do your employees serve a probationary period, your newly
- 19 hired employees?
- 20 A Yes.
- 21 Q How long is that probationary period?
- 22 A That's nine months.
- 23 Q And does that same probationary period apply to all your
- 24 employees?
- 25 A Yes.



1 Q I show you what's been marked as Employer 2, which is a  
2 January 2005 memo. And ask you if you recognize that document?  
3 I can lend you my glasses, if that will help.

4 A Yeah, I know this.

5 Q What is this document?

6 A It's a document because nature of our business they have  
7 to tell us in advance everybody that they need time off or any  
8 kind of procedure, they have medical procedure or scheduled  
9 procedure, or vacation they want to take.

10 Q And does this policy apply to all employees?

11 A To everybody.

12 Q And by the way, just so we can get the record correct, is  
13 Yuriy's name Yuriy Alishayev?

14 A Yes.

15 Q And it is spelled Y-U-R-I-Y, last name A-L-I-S-H-A-Y-E-V?

16 A Yes.

17 MR. POLLACK: I would offer this into evidence.

18 HEARING OFFICER STOLZBERG: Any objection?

19 MR. MARINOVIC: No objection.

20 HEARING OFFICER STOLZBERG: Okay. Once it's copied, I'll  
21 enter it and receive it.

22 MR. POLLACK: This is the last of these memos. This one,  
23 telephones, attention all employees.

24 **(Employer Exhibit 3 marked for identification.)**

25 BY MR. POLLACK:



1 the memo from Mr. Alishayev, time off includes vacation as well  
2 as personal days, the vacation is not paid?

3 A A vacation is we work 200 or 180 days a year. We don't  
4 work 300 days. So when we hire people, we tell them we hire you  
5 for 180 days only. The rest is your days. We call them a  
6 vacation because when there is a break, we don't pay, but they  
7 don't work.

8 Q So do people work in the summertime?

9 A Yeah, they do.

10 Q Everybody works in the summertime?

11 A Everybody.

12 Q Everybody. Everybody works, so if it's 180 days, does  
13 that match with the school calendar?

14 A If it's a summer school, I have 208 days with the summer  
15 school. But some schools is 180 days only.

16 Q I'm sorry. Some schools have?

17 A 180 days.

18 Q Some schools have 180 days.

19 A Yeah.

20 Q And some schools have 200?

21 A And eight days.

22 Q 208 days. And even if people work in the summer, the most  
23 they would work is how many days? Is it 208 or more than that?

24 A Nobody work more than 208 days.

25 Q No one works more than 208 days.



- 1 A No.
- 2 Q And is that true for mechanics, and washers, and others?
- 3 A The washers and the cleaners and the yards men work the
- 4 same times like the other people, like the mechanics and
- 5 matrons.
- 6 Q So let's just go through the list. Drivers work no more
- 7 than 208 days a year?
- 8 A Yeah. There is no more days.
- 9 Q Escorts work no more than 208 days a year?
- 10 A Yeah, no more.
- 11 Q Mechanics work no more than 208 days a year?
- 12 A Mechanics don't work probably five days, you know, five
- 13 days a week at the most. When the school is off, they probably
- 14 also doesn't work too many hours because there is nothing there.
- 15 Q Well, do they work any hours when school is off?
- 16 A I cannot say so. I don't know.
- 17 Q You don't know.
- 18 A No.
- 19 Q Who would know, sir?
- 20 A Who would know if they work?
- 21 Q Yeah.
- 22 A Yuriy would know. Maybe some of them work, maybe two work
- 23 instead of three, but there is less hours, much less because --
- 24 Q Washers, do they work more than 208 hours?
- 25 A 208 days? No.



- 1 Q I'm sorry, 208 days.
- 2 A No, I don't think so.
- 3 Q They don't. Cleaners?
- 4 A I don't think so.
- 5 Q Yard people?
- 6 A I don't think so.
- 7 Q Mr. Komsky, because you are transporting special education  
8 children and early intervention children, there must be an  
9 escort on every bus, is that correct?
- 10 A Yes.
- 11 Q And sometimes as you stated several times, sometimes you  
12 have more than two escorts on the bus, correct?
- 13 A No.
- 14 Q No?
- 15 A That's not correct.
- 16 Q You don't have two?
- 17 A Not more than two.
- 18 Q Not more than two. But sometimes you have two escorts on  
19 the bus?
- 20 A Yeah. You just mentioned more than two.
- 21 Q Okay. I'm sorry. Sometimes, you have two escorts on the  
22 bus?
- 23 A Yes.
- 24 Q And that's a requirement of your contract with the Board  
25 of Ed that there be an escort on every bus, is that right?



- 1 A No, I don't have to.
- 2 Q Now do you have any -- do you do any transportation,  
3 leaving aside charters, do you do any regular Board of Ed  
4 transportation for adults?
- 5 A No.
- 6 Q Okay. It's all pre-K, either special ed, or early  
7 intervention?
- 8 A Right.
- 9 Q Now what are these trips that you were talking about that  
10 you don't have to have an escort on?
- 11 A I am serving 48 schools and every school have trips in the  
12 autumn time for the pumpkins, you know, the --
- 13 Q It's like a field trip?
- 14 A Field trips. So they would go to the zoo. They would go  
15 to the, you know, they would request me, every school request me  
16 two, three times, four or five times a year to bring the kids  
17 somewhere.
- 18 Q And is that part of your Board of Ed contract that you  
19 have to do these trips?
- 20 A Yes, I do.
- 21 Q And so on these trips, if there is teachers, you don't  
22 have to have an escort?
- 23 A I don't have to have escort.
- 24 Q Do they ever take a trip where there's no teachers on the  
25 trip with them?